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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

17 Cr. 47 (DC)

6 MAHMOUD THIAM,

7 Defendant.

Trial

8 -----x
9 New York, N.Y.
10 April 25, 2017
11 9 :00 a.m.

12 Before:

13 HON. DENISE COTE,

14 District Judge,
15 and a Jury

16 APPEARANCES

17 JOON H. KIM
18 Acting United States Attorney for
19 the Southern District of New York
20 BY: ELISHA J. KOBRE
21 CHRISTOPHER J. DiMASE
22 Assistant United States Attorneys

23 -and-

24 U.S. DEPARTMENT OF JUSTICE
25 BY: LORINDA I. LARYEA

26 LAW OFFICE OF AARON GOLDSMITH, PC
27 Attorneys for Defendant
28 BY: AARON M. GOLDSMITH, Esq.
29 MICHAEL DELAKAS, Esq.

30 ALSO PRESENT: Patrick Killeen, Special Agent, FBI
31 Alexander Beer, Paralegal Specialist, USAO
32 Katherine Bosley, Paralegal Specialist, DOJ
33 Jennie Carmona, Paralegal, LO of Aaron Goldsmith

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1 (Trial resumed; jury not present)

2 THE COURT: Good morning, everyone. Let me get two
3 quick issues out of the way. Is the defendant calling a
4 character witness?

5 MR. GOLDSMITH: No, your Honor.

6 THE COURT: Just so I know whether I have to prepare
7 that charge.

8 MR. GOLDSMITH: No.

9 THE COURT: OK. Thank you very much. I noticed it in
10 your request.

11 And secondly, one of the jurors asked Ms. Rojas last
12 night as they were leaving whether it was OK to take notes.
13 Any objection to me giving the standard charge in this circuit
14 for juror note taking?

15 MR. KOBRE: No objection, your Honor.

16 MR. GOLDSMITH: No, your Honor.

17 THE COURT: Thank you. Yesterday, busy day for
18 Ms. Rojas, as a juror was leaving, she indicated that her
19 employer was concerned about her being selected on jury service
20 and wanted to confirm that she had been selected to serve on a
21 jury, and so Ms. Rojas asked me if she could call the employer
22 since it seemed like it was an urgent concern as opposed to
23 something I handle in the normal course by giving a letter
24 confirming selection on a jury. So I said, Yes, call the
25 employer to confirm orally that the juror had been selected,

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1 and that led to a conversation between the employer and
2 Ms. Rojas, which then I asked Ms. Rojas to call counsel jointly
3 and relate so you would have that information as soon as I did.

4 The employer indicated that she runs a day care center
5 and must maintain a state-ordered ratio, that the law requires
6 that. And she will have to hire a full-time permanent employee
7 to replace the juror while the juror is on jury duty, although
8 she will be happy to take the juror back as a part-time
9 employee when her jury service is completed. Let me just
10 confirm with Ms. Rojas I've correctly described the
11 conversation.

12 OK. I think I've captured it correctly, and that's
13 what I expect you heard from Ms. Rojas when she spoke to you
14 jointly, I think, at about ten to six last night. So there's a
15 statute. I don't know if you folks have done some legal
16 research in the interim. It's something that gets litigated
17 from time to time, often in the context of an employment
18 discrimination action. In fact, I had one such case some time
19 ago. The statute is 28 U.S.C. Section 1875. It says, "No
20 employer shall discharge, threaten to discharge, intimidate, or
21 coerce any permanent employee by reason of such employee's jury
22 service or the attendance, or scheduled attendance, in
23 connection with such service in any court of the United
24 States," and then it has penalty provisions, but I think this
25 is the critical language. As I understand, it's broadly

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1 construed, and I also have the right to appoint an attorney to
2 represent the juror. The case in which I've written about this
3 is Gleason v. Department of Homeland Security, 2007 WL 1597955,
4 and Arnold v. Beth Abraham Health Services, 2011 WL 2416877.
5 There's not a lot of circuit authority on this statute, but
6 there is the Second Circuit case Shea v. Rockland, 810 F.2d 27.

7 Have counsel had an opportunity to consult with each
8 other, and do you have a joint recommendation to the Court?
9 And if you haven't consulted with each other, please do so now.

10 MR. DiMASE: Your Honor, we'll do that. Just one
11 quick question for the Court. We are continuing to work on the
12 computer system and the monitors. Would it be all right if the
13 U.S. Attorney's Office tech folks continue to do that as we
14 have this discussion?

15 THE COURT: Yes.

16 MR. DiMASE: At the table here?

17 THE COURT: Yes.

18 MR. DiMASE: Thank you.

19 We'll talk very briefly, your Honor. Thank you.

20 THE COURT: Counsel.

21 MR. DiMASE: Yes, your Honor. We've conferred with
22 Mr. Goldsmith. I think what the parties would propose is to
23 briefly have a brief colloquy with the juror without the rest
24 of the jury present and essentially inform the juror of this
25 statute, to the extent that she's not already aware of it, and

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1 ask her to communicate that her employer's actions are not
2 consistent with the law, and if she continues to have a
3 problem, I think at that point the Court could inform her that
4 the Court can appoint her an attorney to represent her in
5 connection with a suit with her employer. I don't know if it's
6 ripe for that at this point, but we do have different thoughts.

7 MR. GOLDSMITH: And I think it would be helpful, your
8 Honor, because I think the last thing that any party wants or
9 the Court wants, is one of our jurors to not be paying
10 attention to the witnesses because they're concerned about,
11 What's going to happen with my job today? So I think the
12 Court's colloquy will help to at least settle that particular
13 juror's anxiety and allow her to focus on what we're doing in
14 court rather than what may happen with the job.

15 THE COURT: We have four alternates. As these trials
16 go, this is a relatively short one. I'm happy to proceed as
17 counsel request, advising the juror of the statute. As I
18 understand the statute, for an employer to deprive an employee
19 of a full-time position because of jury service would be a
20 violation of the statute. I think we're all agreed on that.
21 If you know of any authority to the contrary, I'm sure you'll
22 let me know. I of all people believe, and of course we all do
23 in this courtroom, that jury service is such a significant
24 responsibility of citizenship, we want to protect our jurors
25 and support them in their jury service, and that's the message

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1 of this statute. And I admit that I don't know the size of
2 this day care business.

3 Ms. Rojas tells me, I didn't understand this before,
4 that the employer has four employees. I don't know what the
5 breakdown is between permanent and part time. Telling the
6 juror that she's protected by law is, I'm sure, partly helpful
7 to her. I'm not sure that it's actually going to give her the
8 level of comfort that counsel are trying to give her here. I
9 think it would be more helpful to directly communicate with the
10 employer and advise the juror that the employer has been
11 advised that it is a violation of the law to deprive the juror
12 of permanent employment due to jury service and, of course,
13 advise the juror that the employer has been so advised.

14 I don't know the terms of this juror's employment. As
15 I remember, she has just very recently begun this job. The
16 statute, as you no doubt saw, gives protections to permanent
17 employees. I do not know if this juror is a permanent employee
18 or probationary employee. I don't know what defenses the
19 employer will have under the statute.

20 Why don't I leave the bench for a moment and let
21 counsel reflect further on these issues that I have described
22 to you that I see as implicated by this problem. Thanks so
23 much.

24 (Recess)

25 THE COURT: Counsel, thank you for taking this

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1 additional time to reflect on these important issues. Do you
2 have a joint position, or do you have different views that I
3 should hear?

4 MR. KOBRE: We do, your Honor. I think we heard in
5 your Honor's remarks two additional possibilities to what we
6 suggested. One was either the Court, directly itself, or
7 through the deputy clerk, could get in contact with the
8 employer and explain the importance of jury duty and also
9 explain the law and see if it could be worked out through those
10 means. And obviously the other alternative is just to go with
11 one of the alternate jurors. I think the preference of the
12 parties would be the first of those two, see if it can be
13 worked out directly with the employer, and if it seems at that
14 point that the employer still has a problem with it or if it
15 seems like there would be some negative impact on the juror
16 going forward, then at that point, we would just go with the
17 alternate.

18 THE COURT: OK. Just responding to this very quickly,
19 I'll give this some thought, I don't think I can have anyone on
20 my staff make that call. I think I would have to make that
21 call. I don't want to make that call without counsel being
22 involved, so I'll ask Ms. Rojas to try to get the employer on
23 the phone in the next five minutes, if that's possible. We'll
24 go into the robing room with counsel, and I'll have the
25 conversation with the employer, and that would permit us to

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1 understand better what is appropriate to say to the employee.

2 Is that agreeable, Mr. Kobre?

3 MR. KOBRE: It is, your Honor.

4 THE COURT: Mr. Goldsmith.

5 MR. GOLDSMITH: Yes.

6 THE COURT: Thank you. Ms. Rojas will make efforts
7 here to get her on the phone.

8 Now, I understand also that someone informed Ms. Rojas
9 after court yesterday that we're going to have witnesses that
10 need interpreters and that the language that will be
11 interpreted is French, so I will advise, I have to certify the
12 interpreters, or qualify them -- I shouldn't say certify them,
13 qualify them. They should be prepared to be qualified in front
14 of the jury, and I have to instruct the jury that if any one of
15 them knows French, can speak or read French, they must take the
16 translations provided through the interpreter.

17 Any objection?

18 MR. KOBRE: Not from the government, your Honor.

19 MR. GOLDSMITH: No.

20 THE COURT: Thank you.

21 Mr. Kobre, any issues?

22 MR. KOBRE: Just one moment, your Honor?

23 No, your Honor.

24 THE COURT: Mr. Goldsmith.

25 MR. GOLDSMITH: Not at this time, no.

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1 THE COURT: OK. So stand by, and we'll see if we can
2 get the employer on the phone. I think everyone knows we're
3 talking about juror No. 1, Jannel Mauge, because she was the
4 juror who advised us that her current employment is infant
5 care. She'd worked as a personal trainer before that, and I
6 think she told us that she'd been on the job roughly two weeks.

7 Good. Thank you, all.

8 MR. KOBRE: Your Honor, if I might?

9 THE COURT: Yes.

10 MR. KOBRE: Just to propose for the Court, would it
11 make sense to let the juror know of this proposed contact
12 before the Court does it? I'm just throwing that out there,
13 whether that would somehow be appropriate.

14 THE COURT: OK. Let's just think this through. If
15 we're concerned about the juror's relationship with her
16 employer in a brand-new job -- I just want you to play that
17 out, think that through -- that I'm not going to call the
18 employer until I advise the employee and, in essence, although
19 not explicitly, ask her permission?

20 I'll give this some thought, but I think that is not
21 the way to proceed. We have two concerns here: The juror's
22 participation as a juror in this trial and the way we want her
23 to participate, with full attention and commitment to the
24 trial. We have a separate concern, enforcement of the law,
25 protecting jury service for permanent employees.

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1 Any call with the employer, I think, should begin by
2 inquiring, Is this a permanent employee? If it's not a
3 permanent employee, then she doesn't have protection of the
4 statute, and while I can encourage jury service and try to
5 advocate on behalf of the juror retaining her permanent job, I
6 cannot advise the employer as a matter of law that it would be
7 a violation of law to not give her a permanent job upon her
8 return from jury service. I don't think asking the employee,
9 juror No. 1, whether she's a permanent employee or not is a
10 useful way to proceed. She's not a lawyer. She's not an
11 employment law expert. In this circumstance, the only one who
12 knows the answer to that question, potentially, is the
13 employer.

14 MR. KOBRE: Yes, your Honor. Thank you.

15 THE COURT: So I either call the employer and try to
16 sort these things out and make a better judgment, with
17 counsels' assistance, or not. And if not, I think what I
18 should be doing is giving our thanks to the juror and
19 dismissing her.

20 Does that seem right, Mr. Kobre?

21 MR. KOBRE: It does, your Honor.

22 THE COURT: Does that seem right, Mr. Goldsmith?

23 MR. GOLDSMITH: Yes.

24 THE COURT: Thank you.

25 (Recess)

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1 THE COURT: We don't have a jury. I'm going to make a
2 quick report. I haven't had a full conversation with Ms. Rojas
3 about this yet, so there may be more detail for us to learn,
4 but the owner isn't available until midday when she comes into
5 work, so we'll have to deal with this at the lunch hour, if
6 necessary. But the person with whom Ms. Rojas spoke gave a
7 different impression, the bottom line being that they can
8 manage this week, but next week will be difficult. So I think
9 we'll just take this one step at a time. I'll keep you
10 apprised, and if I understand the conversation differently
11 after Ms. Rojas and I have a chance to talk in more detail,
12 I'll immediately let you know.

13 She's checking on the jury now to see where we stand.
14 Thanks so much.

15 (Recess)

16 THE COURT: Please be seated. Bring in the witness.
17 Put the witness on the stand.

18 Bring in the jury.

19 REMEDIOS ARING, resumed.

20 THE COURT: We're not ready. We're missing one juror.
21 It happens to be juror No. 1.

22 The witness may step down.

23 (Witness not present)

24 THE COURT: The jury had a question for Ms. Rojas,
25 which is why they turned on the light indicating they were

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1 ready to proceed, and the question was, What do we now do that
2 we're waiting for one juror? All the jurors but two were here
3 on time.

4 This is the situation. Ms. Rojas has been checking
5 her messages, to just make sure, as she regularly does, if
6 we've received a message regarding any delay or reason for
7 delay. It is now -- we're all going by the courtroom clock,
8 since that's the timepiece we have in common -- about seven
9 minutes to ten. I'm going to propose to counsel that we wait
10 until 10:00 for Ms. Mauge, and I'd like you to discuss what we
11 do in the event she does not show up by 10:00 and whether or
12 not we should excuse her at that time.

13 Good. Ms. Rojas will let us know when we're ready to
14 proceed.

15 (Recess)

16 THE COURT: Counsel, we still have no jury. Ms. Mauge
17 has not appeared. Is there any objection to excusing her?

18 MR. KOBRE: No, your Honor.

19 MR. GOLDSMITH: No, your Honor.

20 THE COURT: OK. Bring in the jury.

21 Bring in the witness, please.

22 (Continued on next page)

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Aring - Direct

1 THE COURT: Bring in the jury, please.

2 (Jury present)

3 THE COURT: Good morning, everyone.

4 THE JURORS: Good morning.

5 THE COURT: I want to thank so many of you who were
6 here on time, and I want to advise you again how important it
7 is that you're here promptly. And I know that's an odd thing
8 to say, that so many of you made great effort to be here on
9 time. It's a rainy day. I know transportation can be
10 difficult. But I've been here with the lawyers since 9, and
11 we're anxious to use your time well and present the evidence to
12 you as smoothly as possible and we're all working hard to do
13 that, so again, thank you to all of you who made the effort to
14 be here.

15 I'm excusing one of your members, Juror No. 1, because
16 it's important we continue with this trial, and we've made
17 efforts to try to reach her and have been unable to, so that
18 means that one of our jurors who was an alternate juror is no
19 longer an alternate juror. We have three alternate jurors.
20 Only 12 will deliberate. We choose alternate jurors just for
21 this kind of problem, because the trial cannot proceed without
22 the jury here present in the courtroom to hear all the
23 evidence, so thank you for your participation. And alternates,
24 listen as carefully as everyone else because we really depend
25 on you and need you. So thank you.

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Aring - Direct

1 One of you had a question for Ms. Rojas last night,
2 and it was about whether or not you could take notes during the
3 trial, and I have an instruction for you in that regard.

4 Of course if you want to take notes, you may do so,
5 but keep this in mind if you decide to take notes. The notes
6 may not interfere in any way with you listening to and
7 understanding all of the evidence to the best of your ability.
8 Also, if you do take notes, you may not discuss them with
9 anyone at any time during the trial or during your
10 deliberations. They are instead to be used solely to assist
11 you, and your notes may not substitute in any way for your
12 recollection of the evidence. During deliberations the fact
13 that an individual juror has chosen to take notes, if any one
14 of you does decide to do so, will give that juror's views no
15 greater weight than the views of any other juror during the
16 deliberations process. And of course, as you've noticed, we
17 have a court reporter here. In fact, we have a team of court
18 reporters. So we have a transcript that's being made of
19 everything said in this courtroom, so if during your
20 deliberations you collectively decide that you're not sure of
21 what some of the testimony was, you have the right to send me a
22 note and for that testimony to be provided to you so you can
23 use that to remind yourselves of what the testimony actually
24 was during the course of this trial.

25 So I hope that responds to your question.

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Aring - Direct

1 I'm going to remind the witness she is still under
2 oath.

3 Counsel.

4 MS. LARYEA: Thank you, your Honor.

5 REMEDIOS ARING, resumed.

6 DIRECT EXAMINATION CONTINUED

7 BY MS. LARYEA:

8 Q. Good morning, Ms. Aring.

9 A. Good morning.

10 Q. How are you today?

11 A. I'm good. Thank you.

12 Q. Thank you for coming back to speak with us.

13 Yesterday you testified that you are currently retired, is
14 that correct?

15 A. Yes.

16 Q. And you testified that before your retirement you worked at
17 JPMorgan Chase Bank?

18 A. Yes.

19 Q. And your last position at JPMorgan Chase Bank was as a
20 senior compliance officer between 2006 and 2014, is that
21 correct?

22 A. Yes.

23 Q. And in that position you stated yesterday you reviewed
24 accounts that had been flagged because of certain activity, is
25 that right?

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Aring - Direct

1 A. Yes.

2 Q. And did you document those investigations?

3 MR. GOLDSMITH: Objection.

4 THE COURT: Excuse me one second.

5 I'm sorry. I did not hear the question. Could you
6 repeat your question, please.

7 MS. LARYEA: I asked:

8 Q. During your investigation, did you document any findings?

9 A. Yes, I did.

10 Q. And you mentioned that you had an investigation relating to
11 the defendant Mr. Thiam?

12 A. Yes.

13 Q. Was this a sole account? Was it a joint account, as you
14 stated yesterday?

15 MR. GOLDSMITH: Objection.

16 THE COURT: Sustained.

17 Q. What kind of account was this?

18 A. The alerted account is a checking account, consumer
19 checking account.

20 Q. And who owned this checking account?

21 A. Fatim and a co-owner of -- and Mr. Thiam.

22 Q. What was the relationship between Fatim and Mr. Thiam?

23 MR. GOLDSMITH: Objection.

24 THE COURT: Sustained.

25 Q. Did you come to discover the relationship between Fatim and

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Aring - Direct

1 Mr. Thiam?

2 A. Yes.

3 Q. How did you discover that relationship?

4 A. During a phone conversation with Fatim.

5 Q. And what was that relationship?

6 A. Fatim stated that Mr. Thiam is her husband.

7 Q. And what was the reason you were investigating this
8 checking account?9 THE COURT: Counsel, we did this yesterday. Do you
10 want to pick up from where we left off.

11 MS. LARYEA: Yes, your Honor.

12 Q. Ms. Aring, I'm giving you back Government Exhibit 104.

13 What is that exhibit?

14 A. This is a copy of the case notes on -- on the
15 investigations.

16 Q. I would like you to go to entry March 15, 2010, 6:29 p.m.

17 THE COURT: I think we were at March 22nd.18 MS. LARYEA: Yes, your Honor. We did not get a chance
19 to look at those exhibits because the AV was not working
20 yesterday.

21 THE COURT: Okay.

22 MS. LARYEA: Could you publish March 15, 2010, at
23 6:29 p.m.

24 BY MS. LARYEA:

25 Q. What is this entry?

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Aring - Direct

1 A. This is noting the review of the -- the account, the
2 checking account's transactions.

3 Q. What did you notice about incoming wires into this checking
4 account?

5 A. For the period of the review, there were -- I've noticed
6 seven wire credits or seven wires credited to the account
7 originating from the client's account at HSBC Hong Kong.

8 Q. Can you read the last four -- what are the last four digits
9 of that HSBC Hong Kong account?

10 A. It's ending 0888.

11 Q. How much money came from the HSBC Hong Kong account during
12 this period?

13 A. During this period there were a total -- seven wire credits
14 totaling approximately 800,000.

15 Q. And what is a wire credit?

16 A. It's -- it's when a customer instructs one bank to transmit
17 funds via a wire or electronically to credit another account or
18 to deposit to another account.

19 Q. Okay. I want to go through that first wire credit that's
20 listed in this entry. Can you explain what that means.

21 A. The one on -- dated November 16 transaction?

22 Q. Correct. Correct.

23 A. On November 16, 2009, there was a wire credited to this
24 checking account for 119,975.

25 Q. And where we left off, Ms. Aring, yesterday, was that you'd

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Aring - Direct

1 had a conversation with Mrs. Thiam about this account, is that
2 correct?

3 A. Yes.

4 MS. LARYEA: Please publish entry March 22, 2010, at
5 12:48 p.m.

6 Q. When did you have this conversation with Mrs. Thiam?

7 A. On March 22nd, we successfully connected via phone.

8 Q. What was your purpose -- what did you want to get out of
9 this conversation with Mrs. Thiam?

10 A. I needed to understand the incoming wire activity on the
11 account, the high-value wire activity on the account, as far as
12 ultimate funding source or the nature or the purpose of the
13 transactions.

14 Q. What did you ask Mrs. Thiam during that conversation?

15 A. The first question was the -- regarding the nature and the
16 purpose of the incoming wire credits of approximately 900,000.

17 Q. What did she say?

18 A. And her response was, this is income of husband.

19 Q. What did she say about how her husband got that income?

20 A. When I asked her what is the husband's occupation, she said
21 he's financial adviser and consultant for various mining
22 companies worldwide.

23 MR. GOLDSMITH: Objection.

24 THE COURT: Overruled.

25 Q. What else did you ask her?

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Aring - Direct

1 A. I asked her what is the funding source of the wires
2 originated from Hong Kong, and the -- why is it coming from
3 Hong Kong.

4 Q. Why did you ask her that question?

5 A. The -- well, originally, we have to understand the funding
6 source, because they're unusually large, and the -- the -- the
7 jurisdiction or the -- of the customer has, you know, has no
8 bearing in Hong Kong, and so we were trying to understand that
9 part.

10 Q. What was her response?

11 MR. GOLDSMITH: Objection.

12 THE COURT: Overruled.

13 A. She said she does not -- well, I ask her, you know, why
14 were the funds coming from Hong Kong and the name of the
15 companies, and her response was that she does not know why the
16 funds are coming from Hong Kong and she does not know the name
17 of the companies of the funding sources, that she will get --
18 ask her -- she will ask her husband.

19 Q. What did you ask her next?

20 A. I asked her if her husband is the same person as the
21 minister of mines of Guinea.

22 Q. Why did you ask her that question?

23 A. In my research and investigation of the customer's profile
24 in order to understand the activity further, I determined
25 through research that he may be the person holding the position

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Aring - Direct

1 in Guinea.

2 Q. What was her response when you asked her whether he was
3 Guinea's minister of mines?

4 A. She said yes.

5 Q. And you mentioned before that she said he was also a
6 consultant for a mining company?

7 A. I'm sorry?

8 Q. You just testified that during your conversation,
9 Mrs. Thiam also said he was a consultant for various mining
10 companies, is that correct?

11 A. Correct, yes.

12 Q. What did you ask her about the interaction between
13 consulting for mining companies and being Guinea's minister of
14 mines?

15 A. I'm sorry. I didn't understand the question.

16 Q. Did you ask her anything about the fact that he was working
17 as Guinea's minister of mines and working as a consultant for
18 mining companies?

19 A. Well, I asked her how long she's been -- he's been in that
20 position.

21 Q. What did she say?

22 A. And she said about a year.

23 Q. And how did your conversation with Mrs. Thiam end?

24 A. She said that -- I ask her if the wires or activity coming
25 from Hong Kong are expected to continue, and she said yes and

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Aring - Direct

1 that she will call her husband, she will call me back to answer
2 the questions after she calls her husband.

3 Q. After the conversation what did you determine about whether
4 you should close the investigation or continue to investigate?

5 A. Given the situation that there might be a risk of potential
6 conflict of interest because of his position in the ministry
7 and consulting -- as well as consulting work for various mining
8 companies, I deemed that this account relationship needed
9 further, you know, evaluation and possibly further escalation
10 to the line of business of retail financial services because of
11 that, because of the information that I've gathered.

12 Q. I would like to point you to entry March 23, 2010, at
13 12:25 p.m.

14 What is that entry?

15 A. This was my evaluation of the -- of the review or
16 investigation that I've conducted.

17 Q. And can you read your conclusion.

18 A. And since I didn't have enough understanding of the -- the
19 ultimate source of funds of the wire activity and based on the
20 customer's wife's explanation of the wire credit activity
21 stating that the customer was involved in a consulting business
22 related to mines, that there appears to be a potential conflict
23 of interest.

24 Q. What else did you determine?

25 A. In that same determination, like I said, since there's

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Aring - Direct

1 research that this could be a potential -- a high risk, as
2 Guinea's minister of mines, at about the same time the customer
3 has negotiated a 7 billion minerals and infrastructure deal
4 with China International Fund, a Hong Kong registered firm, and
5 I have reason to -- there may be possibility that is the
6 connection to Hong Kong, and so --

7 Q. You mentioned China International Fund. Why did you
8 mention that in this entry?

9 A. In my internet research for media related to the customer,
10 those are information that I found, that in my trying to
11 understand the connection to Hong Kong.

12 Q. What was that information that you found?

13 A. Exact -- exactly that -- that he's minister, current
14 minister of mines of Guinea as also confirmed by his wife and
15 that there were negotiations conducted with that company.

16 Q. And can you read for the jury the section that begins
17 "Furthermore," till the end of that paragraph.

18 A. I said, "Furthermore, this could be a potential risk since
19 client, as Guinea's minister of mines, has negotiated a
20 7 billion minerals and infrastructure deal with China
21 International Fund, a Hong Kong registered Chinese firm.

22 JPMorgan Chase --" did you want me to continue there?

23 Q. Yes.

24 A. Okay. "JPMorgan Chase does not know if the source of funds
25 from Hong Kong were inappropriately obtained by misuse of his

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Aring - Direct

1 ministry position."

2 MR. GOLDSMITH: Objection. Document speaks for
3 itself.

4 THE COURT: Overruled.

5 Q. Continue, please, Ms. Aring, that last sentence.

6 A. "As an abundance of caution, however, so the bank is
7 reporting this matter as there is potential risk involved and
8 there is lack of transparency involved in the source of funds."

9 Q. Thank you, Ms. Aring. After you made this determination
10 you mentioned that the conversation with Mrs. Thiam ended with
11 her talking, speaking with her husband and giving you a call
12 back. Did she call you back?

13 A. No.

14 Q. Did you speak to anyone else about this account?

15 A. I eventually ended up getting a call from Thiam.

16 MS. LARYEA: I'd like to publish March 25, 2010, at
17 6:05 p.m.

18 Q. What is this, Ms. Aring?

19 A. This is the notes on the conversation that I conducted with
20 Mr. Thiam.

21 Q. When did this conversation take place?

22 A. On March 25, 2010.

23 Q. What was your purpose of speaking with Mr. Thiam?

24 A. Since Fatim was unable to answer my questions, questions,
25 specifically, the ultimate funding source, and that since

H4p1thi2

Aring - Direct

1 she -- she said she was going to obtain those answers from him,
2 so apparently instead of her calling back, he's the one that
3 called me back.

4 Q. During your conversation, what did you ask him?

5 A. I asked him what his occupation or line of business is.

6 Q. What did he say?

7 A. He said he took a hiatus from banking and that he is
8 currently minister of mines of Guinea.

9 Q. What else did you ask him?

10 A. And I proceeded to ask the ultimate funding source of the
11 wires he sent from his account in Hong Kong.

12 Q. How did he respond?

13 A. He responded that this is a personal account in my name
14 funded for several -- funded by several sources of income and
15 business transactions and prior years' consulting jobs.

16 Q. What did you ask him next?

17 A. And so I asked him what year did he earn the income.

18 Q. What did he say about when he earned that income?

19 A. He said over the past ten years.

20 Q. And did he say how he earned this income?

21 A. And so I asked him if this is from consulting contracts for
22 mining and oil companies.

23 Q. Why did you ask him that specific question?

24 A. Pretty much just to, you know, ensure or eliminate the --
25 the -- the question that there might be a conflict of interest.

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Aring - Direct

1 Q. What did he say in response to that?

2 A. He said no, there were not consulting contracts for mining
3 and oil companies. He has not done any consulting in the past
4 15 months.

5 Q. When did he say his last consulting contract was?

6 A. He said his last consulting contract was about three to
7 four years ago with an oil and refinery company.

8 Q. Did he provide you any names of companies?

9 A. Yes. So I asked him what is the name of the company, and
10 he said Gabon.

11 Q. What else did the defendant say about the money in the Hong
12 Kong account?

13 A. He said the money in the account in Hong Kong is from
14 personal income from business with his partner.

15 Q. Did he mention the name of the partner?

16 A. He said his partner had to go through answering similar
17 questions from the banks and so I asked him what his partner's
18 name and he said Baker Al-Sadi.

19 Q. What else did you ask the defendant?

20 A. So I asked him what are the names of the company, of the
21 business with his partner.

22 Q. And did he provide you with names?

23 A. He said there are many companies and one of them is
24 Bellvue, another is Upper Side Management.

25 Q. What did the defendant say about whether he had any

H4p1thi2

Aring - Direct

1 business in Hong Kong?

2 A. Well, when I asked him if his business is based in Hong
3 Kong, he said no.

4 Q. What did he say about why he had the funds in Hong Kong?

5 A. So when I asked him if there's any reason that his deposit
6 account is in Hong Kong, he said they tried -- he's tried to
7 diversify -- the response is, we try to diversify our account
8 holdings in different countries, that we have accounts in
9 Luxembourg, in Switzerland, and Hong Kong, and since I already
10 have a business account in Hong Kong, I also decided to open a
11 personal account there as well.

12 Q. What did you think of this answer?

13 MR. GOLDSMITH: Objection.

14 THE COURT: Sustained.

15 Q. What else did you ask the defendant?

16 A. I asked him if the activity is expected to continue.

17 Q. What did he say?

18 A. And he said yes and that in fact we have projects started
19 three years ago that are just now in completion and anticipate
20 receiving payments soon.

21 Q. Did you ask the defendant anything about his citizenship?

22 A. I asked him if he is a US citizen or a citizen of Guinea.

23 Q. What did he say in response to that?

24 A. He said he is both.

25 Q. Now you just testified that in speaking with the defendant

H4p1thi2

Aring - Direct

1 about the source of the money in Hong Kong, he mentioned
2 business with an individual named Baker Al-Sadi, is that
3 correct?

4 A. Yes.

5 Q. Did the defendant during this conversation mention anything
6 about a company named China International Fund?

7 A. No.

8 Q. Did he mention anything about a company named China
9 Sonangol?

10 A. No.

11 Q. Did he mention any individuals named --

12 MR. GOLDSMITH: Objection.

13 THE COURT: Overruled.

14 Q. Did he mention any individuals named Sam Pa?

15 A. No.

16 Q. Did he mention an individual named Lo Fung Hung?

17 MR. GOLDSMITH: Objection.

18 THE COURT: Overruled.

19 A. No.

20 Q. Did he mention an individual named Wei Xian Fei?

21 A. No.

22 Q. During the conversation did the defendant mention anything
23 about the money in the Hong Kong account being a loan?

24 A. No.

25 Q. How do you know that he didn't mention any of these things?

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Aring - Direct

1 A. Well, those are pretty significant information that's
2 relevant, or that would be relevant to the case, so I would
3 have written them down during the interview.

4 Q. Do you see anything in your notes about that?

5 A. No.

6 Q. How did the conversation with the defendant end?

7 A. I may have potentially -- if I have forgotten any -- just
8 in case I'd forgotten to ask any other questions, I asked him
9 if he's going to be out of town, how can he be contacted, and
10 he said that he will be out -- in town for about another week
11 or ten days but that he can be reached by his email that he
12 provided to me and that he will email me the documents that I
13 requested.

14 Q. What did you do after this conversation?

15 A. In order to get the documents, to ensure that I get the
16 documents, I sent him an email with -- so that he would get my
17 correct email address.

18 MS. LARYEA: Your Honor, may I give her all the
19 exhibits I plan to use in one?

20 THE COURT: Yes. Just identify for the record what
21 you're giving her.

22 Q. I'm approaching you with Government's Exhibits 532, 534,
23 535, 536, and 536-T.

24 Ms. Aring, please look at Government's Exhibit 532.

25 MS. LARYEA: Please publish Government Exhibit 532.

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Aring - Direct

1 Q. Have you seen this document before?

2 A. Yes.

3 Q. What is it?

4 A. This is the email that I sent to Mahmoud to give him my
5 email address.

6 Q. When did you send this email?

7 A. I sent this on March 25, 2010.

8 Q. Was that the same day as your conversation with him on the
9 phone?

10 A. Correct, after the conversation.

11 Q. You said you sent the email to give him your email address.

12 A. Correct.

13 Q. Did you have any other reason for sending that email?

14 A. As I was typing the email, I realized I'd forgotten some
15 other questions that Fatim could not answer, so I listed those
16 transactions for further explanation.

17 Q. Did you get a response from the defendant?

18 A. Yes.

19 Q. I'd like you to look at Government's Exhibit 535.

20 MS. LARYEA: Please publish Government's Exhibit 535.

21 Q. Have you seen this document before?

22 A. Yes.

23 Q. What is it?

24 A. This is an email from Mahmoud responding to -- well, in
25 that it says, "Please find the attached answers to your

H4p1thi2

Aring - Direct

1 questionnaire."

2 Q. What date was it sent?

3 A. This was sent on March 26, 2010.

4 Q. You just testified that he instructed that you could find
5 attached the answers to your questionnaire. Was there an
6 attachment?

7 A. Yes.

8 Q. I'd like you to turn to the next page. What is this?

9 A. The -- this appears to be responses to my list of
10 questions.

11 Q. How is this document organized?

12 A. From -- it appears to be where my questions -- my list of
13 questions were cut and pasted into the document and then
14 responses in bold, his responses in bold were typed after the
15 question.

16 Q. I'd like to turn to the second page of that attachment, so
17 the next page.

18 Do you see a paragraph on top of that attachment, a single
19 paragraph?

20 A. Yes.

21 Q. Can you please read that paragraph to the jury.

22 A. The paragraph says, "Over the past 15 months, I have taken
23 a leave from my banking job at UBS and accepted an 18-month
24 position as Minister of Mines and Energy in the Republic of
25 Guinea. I take no salary for that job and have been

H4p1thi2

Aring - Direct

1 maintaining my family in New York from my savings. Hence the
2 wires from my HSBC account to my chase account. The funds in
3 that account are derived from business transactions done over
4 the years with Mr. Al-Sadi."

5 Q. The last sentence that mentions the funds in that account,
6 what did you understand that account to refer to?

7 A. He's referring to the funds from the originating account at
8 HSBC.

9 Q. Why did you think that?

10 A. That's the sentence prior to the state -- to that sentence,
11 so it says the wires from HSBC accounts to my Chase account.

12 Q. Thank you. Did you receive any other emails from the
13 defendant?

14 A. Yes.

15 Q. I'd like you to look at Government's Exhibit 536 and 536-T.

16 MS. LARYEA: Can you please publish Government's
17 Exhibit 536.

18 Q. Have you seen Government's Exhibit 536 before?

19 A. Yes.

20 Q. What is it?

21 A. This is an email containing attachments -- well, an email
22 that states, "Please find attached additional information
23 pertaining to the longstanding business relationship between
24 Baker Al-Sadi and myself."

25 Q. Who is the email from?

H4p1thi2

Aring - Direct

1 A. This is from -- email from Mahmoud.

2 Q. When was it sent?

3 A. It was sent on March 27.

4 Q. Did you review this email?

5 A. Yes.

6 Q. After you reviewed this email, what happened to the
7 account?

8 A. This was escalated to the line of business for further,
9 like I said, evaluation and disposition of the account
10 relationship with Chase.

11 Q. What was the determination once it was escalated?

12 A. The line of business and the compliance concurred that the
13 account relationship, due to the risk factors involved, need to
14 be terminated.

15 Q. What were the risk factors?

16 A. The risk factors of the known lack of transparency of the
17 funding source and -- and potential conflict of interest due to
18 his high-ranking position in the minister of mines -- as
19 minister of mines in Guinea.

20 Q. You said the account would be exited? What does that mean?

21 A. The relationship will be terminated.

22 Q. Sorry. Terminated.

23 A. Meaning it will be closed.

24 Q. Closed. Give me one second.

25 One more question, Ms. Aring.

H4p1thi2

Aring - Cross

1 During your conversation with Mr. Thiam did he ever mention
2 whether the money in the Hong Kong account was from sale of
3 land in Africa?

4 A. No.

5 MS. LARYEA: Thank you. No further questions.

6 CROSS EXAMINATION

7 BY MR. GOLDSMITH:

8 Q. Ms. Aring, did you ultimately receive any responses from
9 Baker Al-Sadi?

10 A. I'm sorry? Baker?

11 Q. Yes.

12 A. If I received responses from?

13 Q. Or further information from that individual?

14 A. I received information, attachments from Mahmoud, not from
15 Baker.

16 Q. Do you recall if that email included an attachment with
17 communique from Baker?

18 A. On March 27, I received an email from Mahmoud regarding his
19 longstanding business with -- relationship with Baker.

20 Q. If you look at Exhibit 535 that you just testified about a
21 few moments ago. Generically, in those responses provided by
22 Mr. Thiam, do you see references to personal loans?

23 A. Personal loans from -- you mean personal loans by him or to
24 him or --

25 Q. Either way.

H4p1thi2

Aring - Cross

1 A. Either way. Yes. He loaned a person named Sami Idliby
2 some money.

3 Q. I want to take you back to Government Exhibit 104. This
4 was your notes under the HALO system that you used for your
5 investigation, that's correct?

6 A. Correct.

7 Q. And there was a particular entry that you were testifying
8 about earlier today on March 15, 2010, at 6:29 p.m. Do you
9 recall that?

10 A. Yes.

11 Q. Do you recall that in that entry there are a number of
12 notes about several wires, seven to be exact, that had come
13 into the account that were subject to the investigation?

14 A. Yes, for the period November 2, 2009 to February 26, 2010.

15 Q. And at the top of that entry, are there further notes that
16 show roughly the account activity in terms of debits and
17 credits?

18 A. Yes, there are credits totaling 1,000,024 and debits
19 totaling 1,000,059.

20 Q. So roughly the debits are equaling the credits, right?

21 A. Correct.

22 Q. And in the entries that you've been discussing under the
23 HALO system, which is Government Exhibit 104, when you were
24 examining the outgoing payments, there were a number of
25 payments that were being used for what will be classified as

H4p1thi2

Aring - Cross

1 personal expenditures, correct?

2 A. Some of the payments appear to be personal expenditures.

3 Q. Like utility bills?

4 A. Correct.

5 Q. Mortgage payments?

6 A. Yes.

7 Q. And you also testified about the entry at March 22, 2010,
8 12:48 p.m. That's the conversation you had with Mr. Thiam's
9 wife.

10 A. Yes.

11 Q. And as part of that conversation, Mr. Thiam's wife
12 explained that some of the wires receiving in payments were
13 related to family and family support, correct?

14 A. Correct.

15 Q. You also testified about an entry for March 23, 2010, at
16 12:25 p.m. And that was the final SAR determination, correct?
17 That's what it's entitled, the notes?

18 A. Yes.

19 Q. Now at this point of the investigation you made a judgment
20 call that you characterized as being an abundance of caution.
21 Is that correct?

22 A. Correct.

23 Q. It was abundance of caution because you did not have
24 conclusory evidence, is that correct?

25 A. Correct.

H4p1thi2

Aring - Cross

1 Q. Now I'd like to discuss with you generally, as part of your
2 investigation, did you review Mr. Thiam's bank activity with
3 Chase prior to 2009?

4 A. No. I reviewed the transactions during the alerting period
5 because that's the time frame that the account alerted.

6 Q. So you made your decisions, on your level, without any
7 information regarding Mr. Thiam's prior account activity.

8 A. Yes, because the transactions in question were highly
9 questionable.

10 Q. And you would not have been able to determine at that
11 point, because you did not look into, whether or not Mr. Thiam
12 had a history of receiving large incoming wires into that
13 account.

14 A. Correct.

15 Q. The account that was used -- withdrawn.

16 The account that was being investigated, that was in
17 Mr. Thiam's name, correct?

18 A. In Mr. Thiam's name and Fatim.

19 Q. In other words, it wasn't through a corporate name or
20 something else; it was him. It was identifiable as him.

21 A. Yes.

22 Q. And the address that was connected with the account was a
23 personal address, is that correct?

24 A. Correct.

25 Q. And the account that was the source of those suspicious

H4p1thi2

Aring - Cross

1 wires that triggered your investigation was also in Mr. Thiam's
2 personal name, correct?

3 A. The account from the -- the originating source?

4 Q. The HSBC account.

5 A. Yes, that's what it said on the wire details.

6 Q. Now you explained yesterday what a PEP is.

7 A. I'm sorry?

8 Q. Do you recall yesterday explaining what a PEP is?

9 A. I don't recall --

10 MS. LARYEA: Objection.

11 A. -- having a conversation.

12 THE COURT: Overruled.

13 Q. What's a PEP?

14 A. A PEP, just according to our -- our compliance definition,
15 is politically exposed person.

16 Q. Is that a term that's used commonly in banking?

17 A. Sometimes.

18 Q. Okay. And a politically exposed person can be anyone who
19 the bank feels may have ties to a government or political
20 source, correct?

21 A. Yes.

22 Q. And the bank treats PEPs differently from people who are
23 not under that category, correct?

24 A. Yes. For compliance, as a compliance policy, we -- they
25 are subject to a more intense scrutiny, because of the

H4p1thi2

Aring - Cross

1 high-risk status.

2 Q. So as soon as someone who may be an account holder with
3 Chase may accept a position with a government agency, they
4 immediately draw higher scrutiny, correct?

5 A. Correct.

6 Q. And the bank scrutinize PEPs for any possible sanctions
7 that may be in place?

8 A. Yes.

9 Q. And if there are sanctions in place, then -- well, let me
10 rephrase.

11 If there are sanctions that may impact an individual
12 account holder, that account holder may have their accounts
13 restricted or closed, correct?

14 A. Not necessarily.

15 Q. It would cause a higher level of scrutiny even for that
16 PEP, correct?

17 A. Correct.

18 Q. Were you familiar in your capacity at the time as an
19 investigator about any possible sanctions stemming from West
20 African countries?

21 A. At the time of my investigation?

22 Q. Yes.

23 A. At a later stage I was able to locate some kind of internet
24 information that there was a --

25 Q. And without getting into that specific information, did it

H4p1thi2

Aring - Cross

1 draw you to the conclusion that there may be sanctions involved
2 with Guinea?

3 A. Yes, because in that information Mahmoud's name was listed
4 as one of the sanctioned entities.

5 Q. And if the sanctioning existed, would that also have
6 contributed to your decision making in closing Mr. Thiam's
7 account?

8 A. Not -- no. The decision was based on risk on the
9 unidentifiable, unknown source of funds. This is -- there were
10 no transparency, no source of funds, and I was told that the
11 funds were expected to continue, the transactions, and we --
12 the bank deemed that as potential high-risk activity.

13 Q. And it was a concern of the bank that there seemed to be,
14 in your opinion, a lack of transparency because of Mr. Thiam's
15 status as a PEP.

16 A. No. No transparency because there was no definitive
17 explanation as to where -- what the source of funds. There was
18 general information that came from the business, but I was
19 never provided any kind of documentation to support that
20 transaction.

21 Q. So it's your testimony now that the decision to escalate
22 the investigation was generally just because of lack of
23 transparency, not because of the PEP status.

24 A. It's all these factors of risk elements that are all
25 together involved -- involved in the -- this particular case.

H4p1thi2

Aring - Cross

1 Q. Right. So you needed to take all of those factors into
2 consideration, right?

3 A. Correct. But not exclusively just because he was a PEP.

4 Q. And as you testified earlier, part of that analysis was a
5 potential conflict of interest, correct?

6 A. Correct.

7 Q. The part of that analysis was him being a PEP status.

8 A. Yes, partly.

9 Q. And as you'd even testified, some of your concerns about
10 that potential conflict of interest stemmed from the source of
11 the funds while he was acting in an official capacity for
12 Guinea, correct?

13 A. There was no definitive way to know that because I don't
14 have documents, I don't have definitive answers to get that
15 information.

16 Q. You had absolutely no evidence that would draw you to
17 conclusively determine at that time that there was a conflict
18 of interest from those sources, right?

19 A. No.

20 (Continued on next page)

21

22

23

24

25

H4pWthi3

Aring - Redirect

1 MR. GOLDSMITH: No further questions.

2 REDIRECT EXAMINATION

3 BY MS. LARYEA:

4 Q. Ms. Aring, when the investigation first started, did you
5 know whether the defendant was the minister of mines in Guinea?

6 A. No.

7 Q. Did you know about his PEP status?

8 A. No.

9 Q. Was the alert issued because of the defendant's PEP status?

10 A. No. The alert had to do with the wire -- definitive
11 high-value wire activity that were unexplained.

12 Q. Thank you. We looked at the HALO report, Government
13 Exhibit 104, the March 23, 2010, entry at 12:25, which
14 explained your determination after you spoke with the
15 defendant's wife. Is that correct?

16 A. OK. March 23?

17 Q. Page 11 in that report.

18 A. OK. Can you repeat that question?

19 Q. That was your determination you made after speaking with
20 the defendant's wife, is that correct?

21 A. Correct.

22 Q. And in that determination, did you mention -- in that did
23 you mention anything about sanctions?

24 A. No.

25 Q. Did you mention anything about making a determination

H4pWthi3

Aring - Redirect

1 because, simply because of the defendant's PEP status?

2 A. No.

3 Q. In fact, what was the reason you made the determination to
4 continue to investigate?

5 A. There's, the risk, there was the risk involved in the lack
6 of transparency that involved in the ultimate use, source of
7 funds.

8 Q. And when the bank decided to close the account, did the
9 bank close the account because of sanctions?

10 A. Oh, no.

11 Q. And why did the bank close the account?

12 A. Again, based on this, on those risks, that we were told was
13 expected to continue, the incoming wire activity from
14 unverifiable funding source.

15 Q. What was the bank's concern about unverifiable funding
16 sources?

17 A. We have to understand the nature and the purpose of the
18 transactions. If we're not able to understand the ultimate
19 funding source, then we cannot explain the nature of the
20 activity.

21 Q. Taking you to Government Exhibit 535, the attachment, this
22 is the responses the defendant sent you to your questions.
23 Now, defense counsel asked whether this attachment mentioned
24 any loans, and you said it did. Is that correct?

25 A. Yes.

H4pWthi3

1 Q. Now, the section that you read to the jury about the HSBC
2 account and specifically where the money from that account came
3 from, did that section mention any loans?

4 A. No.

5 MS. LARYEA: No further questions, your Honor.

6 MR. GOLDSMITH: One.

7 RECROSS-EXAMINATION

8 BY MR. GOLDSMITH:

9 Q. I just want to be clear. The ultimate decision, from your
10 perspective, to close the account was based upon several
11 factors that not only included the lack of transparency but
12 also took into account the PEP status and the potential for a
13 conflict of interest. Is that correct?

14 A. Correct, because of the unknown ultimate funding source,
15 there, there is a risk that, that -- because we could not
16 explain the funding source, there is the risk that that could
17 be occurring.

18 Q. Taken into consideration with his PEP status?

19 A. And his position in the minister of mines and possibly
20 income from mines consulting.

21 MR. GOLDSMITH: Thank you.

22 MS. LARYEA: No further questions, your Honor.

23 THE COURT: You may step down.

24 (Witness excused)

25 THE COURT: Next witness.

H4pWthi3

1 MR. KOBRE: Your Honor, at this time, the government
2 would like to read a stipulation before calling its next
3 witness.

4 THE COURT: Yes.

5 MR. KOBRE: Thank you, Judge.

6 I'm reading from a stipulation marked Government
7 Exhibit 1416:

8 "The following exhibits are true and correct public
9 records maintained by the Republic of Guinea pertaining to
10 agreements between the Republic of Guinea and China Sonangol,
11 China International Fund and its affiliates and subsidiaries.

12 "2. Government Exhibit 401 is a true and correct
13 memorandum of the understanding, dated June 6, 2009.

14 "3. Government Exhibit 402 is a true and correct
15 record of the master agreement, dated June 12, 2009.

16 "4. Government Exhibit 403 is a true and correct
17 record of the loan agreement, dated June 12, 2009.

18 "5. Government Exhibit 404 is a true and correct
19 record of the joint venture agreement, dated June 12, 2009.

20 "6. Government Exhibit 405 is a true and correct
21 record of a letter from the Guinea prime minister to the
22 minister of state, dated July 10, 2009.

23 "7. Government Exhibit 406 is a true and correct
24 record of the master agreement, dated July 18, 2009.

25 "8. Government Exhibit 407 is a true and correct

H4pWthi3

1 record of minutes of a meeting of the council of ministers,
2 dated October 8, 2009.

3 "9. Government Exhibit 408 is a true and correct
4 record of the shareholders agreement, dated October 10, 2009.

5 "10. Government Exhibit 409 is a true and correct
6 record of the loan agreement, dated October 21, 2009.

7 "11. Government Exhibit 410 is a true and correct
8 record of a letter from the Guinea prime minister to the
9 minister of state, dated November 4, 2009.

10 "12. Government Exhibit 411 is a true and correct
11 record of a document transferring certain executive powers from
12 the minister of economy and finance to the minister of state,
13 dated July 13, 2009.

14 "13. Government Exhibits 401 through 411 consist of
15 records or statements of a public office that set out the
16 office's activities or a matter observed while under a legal
17 duty to report.

18 "14. Government Exhibits 402-T, 403-T, 404-T, 405-T,
19 407-T, 410-T and 411-T are true and accurate English
20 translations of the French-language portions of the
21 corresponding exhibits."

22 And finally, "it is further stipulated and agreed that
23 this stipulation, which is marked as Government Exhibit 1416,
24 Government Exhibits 401 through 411, and Government Exhibits
25 402-T" --

H4pWthi3

1 THE COURT: I think we have the list.

2 MR. KOBRE: Your Honor, at this time the government
3 offers this stipulation, which is Government Exhibit 1416, and
4 the exhibits referenced therein into evidence.

5 THE COURT: Received.

6 (Government Exhibits 1416 and 401-411 received in
7 evidence)

8 (Government Exhibits 402-T, 403-T, 404-T, 405-T,
9 407-T, 410-T and 411-T received in evidence)

10 MR. KOBRE: Your Honor, at this time the government
11 calls Daouda Camara.

12 THE COURT: Will the interpreter please identify
13 herself for the record.

14 THE INTERPRETER: My name is Isabelle Duchesne, and
15 I'm a French interpreter.

16 THE COURT: How did you learn French; is it your
17 native language?

18 THE INTERPRETER: This is my native language, your
19 Honor.

20 THE COURT: And how did you learn English?

21 THE INTERPRETER: I learned English when I was in
22 France.

23 THE COURT: Was that in school or otherwise?

24 THE INTERPRETER: It was in school, and I did, I have
25 a B.A. in English as well.

H4pWthi3

1 THE COURT: How long have you served as an interpreter
2 between English and French?

3 THE INTERPRETER: For 17 years.

4 THE COURT: Does that include serving as an
5 interpreter in federal court proceedings?

6 THE INTERPRETER: Yes, your Honor. That's where I
7 started, here in this court.

8 THE COURT: Any objection to receiving this
9 interpreter as qualified to interpret between French and
10 English?

11 MR. KOBRE: No, your Honor.

12 MR. GOLDSMITH: No, your Honor.

13 THE COURT: Please place the interpreter under oath.

14 (Interpreter sworn)

15 THE COURT: Ladies and gentlemen, I have an
16 instruction for you. Some of you may understand French. You
17 must take the translation that is offered through this
18 interpreter. You may not substitute your own view of what the
19 translation should be or may be. All jurors must be working
20 from the same evidentiary basis, and we are going to rely upon
21 the translation given by this interpreter.

22 Thank you.

23 DAOUDA CAMARA,

24 called as a witness by the Government, having
25 been duly sworn, testified through the

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Camara - Direct

1 || French-language interpreter as follows:

2 THE COURT: Counsel.

3 || DIRECT EXAMINATION

4 BY MR. KOBRE:

5 Q. Good morning, Mr. Camara.

6 A. Good morning, sir.

7 Q. What country are you a citizen of?

8 A. From the Republic of Guinea.

9 Q. And where do you currently reside?

10 || A. I reside in Conakry.

11 Q. And what is Conakry?

12 A. It's the capital of the Republic of Guinea.

13 Q. And have you lived in the Republic of Guinea for the
14 majority of your life?

15 A. Yes, for the majority of my life.

16 Q. Now, you're speaking in French. Is that the language that
17 you were educated in?

18 A. Yes, I was educated in that language.

19 Q. Do you speak some English?

20 A. Yes, I speak a little bit of English, but my English is not
21 very perfect.

22 Q. Are you more comfortable speaking in court here today in
23 French?

24 A. Yes, I am more at ease in speaking in French.

25 Q. What is your current occupation?

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Camara - Direct

1 A. Currently I am an international consultant for mining
2 matters, energy matters, water matters.

3 Q. And the company that you do consulting for, who owns that
4 company, or who runs it?

5 A. It's my own company. I'm the one who is the director of
6 that company.

7 Q. Have you ever held a position with the government of the
8 Republic of Guinea?

9 A. I had different positions with the government of Guinea.

10 Q. And we're going to get to that a little bit later, but in
11 total, for about how many years did you serve in various
12 positions with the government of the Republic of Guinea?

13 A. Approximately 20 to 25 years.

14 Q. Focusing on years 2009 and 2010, were you working for the
15 government at that time?

16 A. Yes, I was working for the government of Guinea.

17 Q. And what was your position in those years?

18 A. I was the senior adviser for the prime minister in charge
19 of international institutions and financial institutions.

20 Q. Through your work during that period of time, have you
21 become familiar with an entity called China International Fund?

22 A. Yes, this company was introduced to us as a group of
23 investors coming from China.

24 Q. And were you personally involved in meetings relating to
25 this potential investment by China International Fund?

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Camara - Direct

1 A. Yes, during different meetings.

2 Q. And as an adviser to the prime minister, did you learn who
3 in the government of Guinea was primarily responsible for
4 directly negotiating with individuals from China International
5 Fund?

6 A. It was the minister of mines and geology.

7 Q. And who was that at that time?

8 A. It was Mr. Mahmoud Thiam. I would like to clarify a little
9 bit, that Mr. Thiam was in charge of the negotiations and the
10 contacts with the Chinese people, but he was assisted by other
11 ministers as well as project minister of research.

12 Q. Thank you. We'll talk about that a little bit later.

13 When you refer to the Chinese people, are you referring to
14 representatives of China International Fund?

15 A. Yes. It's the China investment fund.

16 Q. Just to clarify, China International Fund or China
17 investment fund?

18 A. China -- literally speaking, it's China International Fund.

19 Q. And do you see Mr. Thiam in the courtroom here today?

20 A. Well, I haven't looked at the court and the people here
21 today to look for Mr. Thiam. Please give me a second, please.

22 Q. Of course.

23 A. Well, on the right side I cannot see Mr. Thiam.

24 Q. You're welcome to stand up if that would give you a better
25 view.

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Camara - Direct

1 A. Well, I can't see Mr. Thiam.

2 Q. OK. Now, through your work with the government of Guinea,
3 have you become generally familiar with the background and the
4 economy of Guinea?

5 A. Yes.

6 Q. And let's talk a little bit about that. Where is the
7 Republic of Guinea located?

8 A. It's in West Africa.

9 MR. KOBRE: And my colleague, Ms. Laryea, is
10 approaching the witness now with what is marked Government
11 Exhibit 1701.

12 Q. Do you recognize that, what's marked Government Exhibit
13 1701?

14 A. Yes.

15 Q. What is it?

16 A. It's the map of the Republic of Guinea.

17 MR. KOBRE: Your Honor, the government offers
18 Government Exhibit 1701.

19 MR. GOLDSMITH: No objection.

20 THE COURT: Received.

21 (Government Exhibit 1701 received in evidence)

22 MR. KOBRE: Could we just publish that to the jury.

23 Q. You mentioned earlier you reside in a city called Conakry.

24 A. Yes.

25 Q. Can you just direct us verbally to where we can find that

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1 on the map?

2 A. Verbally, yes.

3 Q. On which side should we look for the city of Conakry?

4 A. It's by the sea.

5 Q. OK. Is it on the left-hand side, sort of in the middle?

6 A. On the left-hand side.

7 Q. OK. What's the approximate population of the Republic of
8 Guinea?

9 A. According to the last census, I think it reached 12 million
10 people.

11 Q. And you mentioned that one of the languages spoken in the
12 Republic of Guinea is French. Is that because Guinea had been
13 a French colony at some point?

14 A. Yes, it was a French colony for 60 years.

15 Q. And what are some of the major exports of the Republic of
16 Guinea?

17 A. Among the major exports, there is bauxite, a little bit of
18 diamond, gold plus some agricultural products, like coffee,
19 banana, and grapefruit.

20 Q. You mentioned bauxite. What is bauxite used for?

21 A. We use bauxite in the aluminum industry in order to
22 manufacture planes, ships, and cars, every single of those that
23 need aluminum.

24 Q. What about iron ore?

25 A. The iron ore is at the development stage, but we didn't

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Camara - Direct

1 start to put it on the international market.

2 Q. Could you describe briefly how the Republic of Guinea ranks
3 compared to other countries in terms of the volume of the
4 minerals that it contains, these minerals?

5 A. Well, in comparison to the other countries, Guinea has
6 two-thirds of the reserves in bauxite, approximately 40 to 45
7 billions of tons in the iron ore plus reserves in diamonds and
8 gold as well.

9 Q. Can you give us some estimate of the value of the mineral
10 reserves that are contained in the Republic of Guinea?

11 A. Well, more or less, it amounts to at least hundreds of
12 billions of dollars.

13 Q. And what importance is there, if any, to the mining of
14 these minerals to the economy of the Republic of Guinea?

15 A. First of all, these, for the Republic of Guinea, those
16 mining reserves, they help to improve the lifestyle of the
17 population of Guinea, to have the elements necessary to
18 constitute an industrial basis for the country, and to be able
19 to enter the international competition in order to be part of
20 the international market.

21 Q. Is it fair to say that mining is very important to the
22 economy of Guinea?

23 A. I would say that the mining industry is important, and I
24 would say even very important for Guinea, because I also forgot
25 to say that it is very important in order to bring forth the

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Camara - Direct

1 budget of the government.

2 Q. OK. Now let me change topics a little bit and ask you a
3 little bit about the population of the Republic of Guinea.

4 Could you describe the financial condition of the population in
5 Guinea?

6 MR. GOLDSMITH: Objection.

7 THE COURT: Sustained.

8 Q. In your work in the government, have you come to be
9 familiar with the condition of the infrastructure that exists
10 throughout Guinea?

11 A. Yes.

12 Q. In terms of water supply, electricity?

13 A. Yes, regarding water, electricity, roads and everything
14 which is fundamental infrastructure.

15 Q. Can you describe whether those things exist in the majority
16 of the Republic of Guinea?

17 A. Yes. The infrastructures exist in the majority of the
18 Republic of Guinea in the field. But their condition is still
19 very insufficient for the needs of, to develop the country.

20 Q. What percentage of the population has access to
21 electricity?

22 A. I would say about 7 percent have access to electricity.

23 Q. What percentage of the population has access to plumbing
24 and water supply?

25 A. It's about, it's about the same percentage, the same

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Camara - Direct

1 proportion.

2 Q. Let's discuss a little bit about the structure of the
3 government in Guinea. Is the government divided into separate
4 and discrete branches?

5 A. Yes. According to the constitution.

6 Q. OK. And in the broadest sense, what are the branches of
7 the government?

8 A. The branches of the government are the executive branch,
9 the judiciary branch, and the legislative branch.

10 Q. Let's focus for a moment on the executive branch. Can you
11 describe briefly what that consists of, starting from the
12 highest level?

13 MR. GOLDSMITH: Objection. Time frame.

14 THE COURT: Sustained.

15 Q. Focusing on the period in the late 2000s, in 2009 and 2010,
16 can you describe the structure of the executive branch?

17 A. Yes. In 2009, 2008, 2010, there was a particular situation
18 in the government, because there was a lot of trouble and it
19 was very unstable, and so the executive branch was under the
20 supervision of the president of the republic, and he was
21 appointed and nominated by the CNDD, National Council for
22 Democracy, and under him was the prime minister. And under
23 that there were the members of the government, and then under
24 that there were entities that acted in a parallel way in
25 different regions, and they were run by the governors, and then

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1 under that the prefects, and under that the subprefects.

2 Q. OK. I'm going to just ask you briefly about that. So
3 there was the president, is that right?

4 A. Yes.

5 Q. And there was, under that there was the prime minister?

6 A. Yes.

7 Q. Were there, under the prime minister, were there also
8 ministers of various, in various sectors?

9 A. Yes.

10 Q. And then you mentioned that there were governors as well
11 under them?

12 A. Yes.

13 Q. And were those, that structure, that particular structure
14 and those officials all also in place in today's government in
15 the Republic of Guinea?

16 MR. GOLDSMITH: Objection.

17 THE COURT: Sustained.

18 Q. Could you describe how, what is the executive branch of the
19 Republic of Guinea as constituted today?

20 MR. GOLDSMITH: Objection.

21 THE COURT: Overruled.

22 A. Under the current system there is the president of the
23 republic, the prime minister. There are ministers and there
24 are the governors, the prefects, and the subprefects.

25 Q. OK. Now, in both periods, today and back in 2009, there

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Camara - Direct

1 was a president and a prime minister and ministers, is that
2 right?

3 A. Correct.

4 Q. Now I'm going to focus on the current period. Are the
5 president and the prime minister each assisted in their work by
6 others?

7 MR. GOLDSMITH: Objection.

8 THE COURT: Excuse me one second. I think the sight
9 lines in the last row are very bad. I'm going to ask the last
10 row of our jurors if they could stand up and move over a seat
11 or two. Good. Good.

12 Ladies and gentlemen, I know we got started a little
13 bit late today, closer to a little after 10. We're going to
14 break at 12:45, but I want to make sure that we take a
15 midmorning recess if that's necessary for anyone's comfort.
16 Would anyone like a recess at this point? No -- yes.

17 OK. We're going to take a recess, a brief recess,
18 ladies and gentlemen. Let Ms. Rojas know as soon as you're
19 ready to resume. And when the jurors in the last row come
20 back, you can take the seats that are comfortable for you.
21 Good.

22 (Continued on next page)

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1 (Jury not present)

2 THE COURT: Sir, you may step down.

3 (Witness not present)

4 THE COURT: There's been an objection with respect to
5 a question about the current government structure and the
6 current state of affairs in Guinea. Can you explain the
7 relevance to me, Mr. Kobre.

8 MR. KOBRE: Sure, your Honor. First of all, he's
9 going to describe some of his background and some of the
10 positions that he held that allowed him to gain familiarity
11 with some of the background information that he's going to
12 provide.

13 THE COURT: I don't think competence is the issue.
14 The issue is relevance with respect to the current government
15 structure, the current state of affairs in Guinea and the
16 current government structure.

17 MR. KOBRE: I think, your Honor, it's useful to
18 contrast the state of the government now versus the state of
19 the government back in 2009 and 2010 when the events in this
20 case took place, and I think that as he already mentioned,
21 there was instability.

22 THE COURT: Try to be a little less mysterious. OK.
23 What is the relevance, as the government sees it?

24 MR. KOBRE: Your Honor, I think it's just to give the
25 jury some context.

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1 THE COURT: Context for what?

2 MR. KOBRE: Context for the government at the crucial
3 time, in 2009, 2010, when there was a military coup d'etat and
4 the government as it exists in a more ordinary state. That's
5 all.

6 THE COURT: When was the coup d'etat?

7 MR. KOBRE: It was in late 2008, early 2009.

8 THE COURT: OK. So the coup d'etat was before the
9 period at issue here, 2009 and 2010?

10 MR. KOBRE: I would say it was concurrent with that
11 time. In other words, the evidence will be that the defendant
12 became minister of mines as part of the government that began
13 as a result of the coup d'etat.

14 THE COURT: OK. So I return to the question. What is
15 the relevance of today's government structure in Guinea?

16 MR. KOBRE: It simply gives some context for the jury
17 to compare what the government was like then versus how it now
18 exists.

19 THE COURT: Why?

20 MR. KOBRE: Because the period's different in some
21 degree in terms of their stability and in terms of the
22 structure.

23 THE COURT: OK. There have been objections.

24 I take it, Mr. Goldsmith, you don't want the jury to
25 have information about the current government structure in

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Camara - Direct

1 Guinea.

2 MR. GOLDSMITH: It's irrelevant.

3 THE COURT: Fine. Sustained.

4 MR. KOBRE: Your Honor, if I might be heard a moment
5 further?

6 THE COURT: Certainly.

7 MR. KOBRE: At the time, your Honor, currently there's
8 a national assembly, there's a legislative branch that oversees
9 decision-making. There's a supreme court in place. There's
10 going to be testimony, your Honor, that the agreement that was
11 entered into was entered into without any of that oversight
12 process, and that, your Honor, the government would argue is
13 relevant to the regularity by the decision-making process that
14 happened at the time. It's as though certain procedural
15 safeguards were suspended, in essence, that typically would
16 have been in place.

17 THE COURT: I don't know about typically in place, but
18 you're free to explore the situation as it existed in 2009 and
19 2010. Whether that situation had prevailed up until today or
20 it was changed as of today, I think, is irrelevant. I don't
understand the relevance and there's been an objection.

22 OK. Anything else that we need to address at this
23 break? Does the government have anything?

24 MR. KOBRE: No, your Honor.

25 THE COURT: Does the defendant?

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Camara - Direct

1 MR. GOLDSMITH: No, your Honor.

2 THE COURT: By the way, with respect to the objections
3 during the last witness's testimony, there was a motion *in*
4 *limine* with respect to the documents from the Chase Manhattan
5 SAR review process, and in the April 13 submission by defense
6 counsel, there was an explicit statement that no objection was
7 being made to the admissibility of those records.

8 MR. GOLDSMITH: My objections were not on
9 admissibility. Going back to each individual one, I'd have to
10 recall, but most of them were based on form and repetition.

11 THE COURT: OK. Good. Thank you. Then I'm
12 comfortable I didn't miss anything.

13 Thanks so much.

14 (Recess)

15 THE COURT: Please be seated. Bring in the witness.

16 Bring in the jury.

17 (Continued on next page)

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Camara - Direct

1 (In open court; jury present)

2 THE COURT: Counsel.

3 BY MR. KOBRE:

4 Q. Mr. Camara, as you were leaving the courtroom just now for
5 the break, did you recognize anybody in the courtroom?

6 A. Yes.

7 Q. Who did you recognize?

8 A. Minister Mahmoud Thiam.

9 Q. And why was it, if you could explain, that you didn't
10 recognize him earlier?

11 A. Because he was a little far away from me, and I didn't have
12 my glasses.

13 Q. Are you able to see Mr. Thiam here in the courtroom today
14 from where you're sitting?

15 A. Yes.

16 Q. Can you please point to him and identify an item of
17 clothing that he's wearing?

18 A. I think he's at the, in the row behind yours.

19 Q. If I can interrupt you for a moment, would it be helpful
20 for you to actually stand up and walk closer in order to be
21 able to see better?

22 MR. GOLDSMITH: Objection.

23 THE COURT: Overruled.

24 A. Yes, but I can say I can actually currently see him much
25 more clearly. He's sitting in the second row, the row behind

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Camara - Direct

1 you, and he's in the second position starting from the right.

2 MR. KOBRE: Your Honor, may the record reflect that
3 the witness has identified the defendant?

4 THE COURT: Yes.

5 Q. Now, we were discussing a little bit about the structure of
6 the government of Guinea as it existed in 2009 and 2010.

7 A. Yeah.

8 Q. And you had mentioned that the executive branch consisted
9 of a president, prime minister, and ministers as well. At that
10 time was there an assembly, a national assembly in place?

11 A. There was a national council and it was constituted in
12 majority by the military, and it was called CNDD.

13 Q. Was there a court system or a supreme court?

14 A. Yes. There was a supreme court. And there were judiciary
15 courts that were existing at the time.

16 Q. Now, you mentioned that in addition to the prime minister,
17 there were other ministers as well. Can you give us some
18 examples of the types of ministers that there were?

19 A. There were the ministers member of the government that had
20 been nominated under a decree, such as the minister of public
21 works, the minister of finance, the minister of mines and
22 geology, and other ministers who were there as well.

23 Q. And was there a body or a group in the executive branch
24 that was composed of these ministers?

25 A. There was the council of ministers.

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Camara - Direct

1 Q. And what was the role of the council of ministers in the
2 government?

3 A. The council of ministers was regulating the policies of the
4 government. It was directing the main orientations of the
5 government, and it was implementing the plans and the programs
6 of the government.

7 Q. And the council of ministers consisted of all the
8 ministers?

9 A. Yes. Yes, the council of ministers included all the
10 ministers, whether it was during a regular session or in an
11 extraordinary session.

12 Q. When you say regular session or extraordinary session, do
13 you mean the period in 2009 and 2010 versus other periods of
14 time?

15 A. No. It is following the general practice of the
16 organization of the government's work.

17 Q. OK. Are there certain ministers within the government of
18 Guinea who have a higher status?

19 A. Yes. Same as in all the governments, there were ministers
20 of state.

21 Q. And which ministers were those?

22 A. There was the minister of defense, the minister of public
23 works. There were other ministers, I believe, like the
24 minister of mines and geology. And there were the minister of
25 urbanism and habitat.

H4pWthi3

Camara - Direct

1 Q. Why was it that the minister of mines was among those
2 ministers with the higher status?

3 A. Because of the importance and the position of the mining
4 sector in the national economy of Guinea.

5 Q. Let's briefly discuss your background. First of all, if
6 you could just tell us a little bit about your educational
7 background.

8 A. I have a degree from the highest school of administration.
9 I am a member of the third promotion in that school. At the
10 beginning of my professional career, I had various activities,
11 various jobs. And to complete my training, I went to the
12 highest school of mines in Paris. And a little later, I went
13 to Georgetown University in the United States.

14 Q. About how long did you spend at Georgetown University?

15 A. It was a short period. It was about three months.

16 Q. OK. And you said, I think, earlier that you went to the
17 high school for administration in Guinea?

18 A. Yes.

19 Q. And when did you graduate from there?

20 A. In 1972.

21 Q. And what was your job out of that, after graduating?

22 A. My first job was to work as a director of the judicial
23 department for the ministry of exterior -- external trade. And
24 then I went to the department of mines to work with a mining
25 company.

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Camara - Direct

1 Q. OK. So if I understand you correctly, you worked for the
2 government and then you left to go to a private company?

3 A. Yes.

4 Q. And did you at some point reenter the government for a
5 longer period of time?

6 A. I reentered into the government, yes, for a longer period
7 of time.

8 Q. In what position was that?

9 A. It was in my position of judicial and tax adviser, in my
10 position for the ministry of natural resources.

11 Q. What years were you the legal, I think you said the legal
12 and tax adviser in the ministry of natural resources?

13 A. It was from 1987 to 1997.

14 Q. And you said it was called the ministry of natural
15 resources. Did that later become the ministry of mines or
16 later come to include the ministry of mines?

17 A. Yes, it included the ministry of mines, and later it became
18 the ministry of mines and energy, and after that the ministry
19 of mines and geology.

20 Q. Are there laws in the Republic of Guinea governing mining
21 rights?

22 A. Yes. There was a law in 1995 that was the mining code.

23 Q. Were you involved in the drafting of that law?

24 A. Yes, I was the main person drafting this mining code, and I
25 organized and supervised the teams that were doing that work.

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Camara - Direct

1 Q. Now, at some point did you leave your job as a legal and
2 tax adviser in the ministry of natural resources?

3 A. Yes.

4 Q. And just briefly -- first of all, what year was that that
5 you left that position?

6 A. In 1997.

7 Q. And very briefly, what did you do at that point?

8 A. I was appointed as a general director of the national
9 electricity company.

10 Q. And how long did you serve in that position for?

11 A. For seven years.

12 Q. At some point did you reenter the government in now a
13 different position?

14 A. Yes. I reentered, reentered as a director of the cabinet
15 of the prime minister.

16 Q. And what year did you take on that position?

17 A. It was in 2004.

18 Q. And who was the prime minister at the time?

19 A. Yes, it was Mr. François Fall.

20 Q. And how long did you remain in the position as the cabinet
21 director of the prime minister?

22 A. It was from 2004 to 2009, to the end of 2008.

23 Q. How many different prime ministers did you serve during
24 that period of time?

25 A. Well, five to six prime ministers.

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Camara - Direct

1 Q. And what was your -- briefly, if you can, describe what the
2 job of the cabinet director to the prime minister entails.

3 A. I was helping the prime minister to help him to prepare the
4 elements for the policies of the government, to prepare the
5 government's program of action, to prepare the projects and the
6 guidelines to do those projects, to evaluate the performance of
7 members of the government, to report to the president of the
8 republic, and to prepare the speeches and the conferences to
9 which the prime minister was attending to. I was managing
10 administration of the prime minister's cabinet.

11 Q. OK. So you said that you remained in that position from
12 about 2004 until late 2008?

13 A. Correct.

14 Q. And then what position did you take on at that point?

15 A. You mean at that point or after that moment?

16 Q. When you changed positions after leaving your position as
17 cabinet director.

18 A. I was the senior adviser for the minister in charge of
19 America and the institute -- finance institutions,
20 internationally speaking.

21 Q. Thank you. And just so we're clear, the senior adviser to
22 whom?

23 A. For Mr. Prime Minister.

24 Q. And you took this position on roughly in late 2008?

25 A. Yes. At the end of 2008.

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Camara - Direct

1 Q. Around the same time, was there also a change in the regime
2 of the Republic of Guinea?

3 A. Yes. At that time the president of the republic passed
4 away and the military took power toward the end of the year.

5 Q. And who became president at that point?

6 A. Captain Moussa Dadis Camara.

7 Q. For short, do you refer to that president as Dadis?

8 A. Correct, it is President Dadis.

9 Q. And did President Dadis take power through an election?

10 A. No. It was through a coup d'etat.

11 Q. Now, when President Dadis took power, did he appoint the
12 prime minister?

13 A. Yes, he appointed a prime minister.

14 Q. Who is the first prime minister that he appointed?

15 A. It's Mr. Kabine Komara.

16 Q. You mentioned at the time that the government had ministers
17 who were -- did President Dadis appoint ministers?

18 A. Yes, the president named the, nominated the other ministers
19 because he's the only one who was in that position.

20 Q. Who did the president at the time nominate or designate as
21 the minister of finance?

22 A. He designated Mr. Mamadou Sande.

23 Q. And who did he designate as the minister of housing?

24 A. Well, it's Mr. Barry.

25 Q. And what's Mr. Barry's name, his first name?

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Camara - Direct

1 A. His name is Barry Boubacar.

2 Q. And who did President Dadis designate as the minister of
3 mines?

4 A. It was Mr. Mahmoud Thiam.

5 Q. That's the defendant here, right?

6 A. Correct, exactly, behind you.

7 Q. Now, you testified a little bit earlier that President
8 Dadis took power through a coup d'etat?

9 A. Correct.

10 Q. What is a coup d'etat; what does that mean?

11 A. For coup d'etat, when the military is changing the
12 constitutional system, it changes the constitutional regime of
13 the country, and it removes the law, the constitution, and all
14 the structures that are related to standard condition.

15 Q. OK. And essentially it's a military takeover, correct?

16 A. Yes, it's a military takeover.

17 Q. OK. So after this coup d'etat, President Dadis appoints
18 the ministers that you mentioned earlier, and when did this new
19 government take power?

20 A. The takeover happened around the last week of December.

21 Q. Of 2008?

22 A. Of 2008.

23 Q. And when did the new ministers, such as the defendant,
24 Mr. Thiam, take office?

25 A. Well, Mr. -- the minister of mines, like Mr. Thiam, he was

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Camara - Direct

1 part of a whole team, and I believe they were designated by the
2 president of the republic around January the 14th, 2009.

3 Q. OK. And you mentioned that during this period of time, you
4 were an adviser to the prime minister, and that was Komara, is
5 that right?

6 A. Correct.

7 Q. Where was your office located as compared to where the
8 prime minister's office was located?

9 A. My office was in the second floor and the prime minister's
10 office was in the fourth floor.

11 Q. You mentioned earlier the council of ministers. Was there
12 also a council of ministers in place during this regime?

13 A. Well, yes, there was a council of ministers.

14 Q. And did the council of ministers meet to formulate the
15 policies of the government?

16 A. Yes, the council of ministers was meeting in a regular way
17 under the supervision of the prime minister, and also at the
18 level of the government, and that was directed by the president
19 of CNDD.

20 Q. And in your role as an adviser to the prime minister, did
21 you attend some of those council of minister meetings?

22 A. Well, I was invited from time to time to come to the
23 meeting of the ministers, the council of ministers, according
24 to the importance of the agenda, but I was not participating in
25 the same way.

H4pWthi3

Camara - Direct

1 Q. OK. Now let's turn to discuss a little bit about the
2 minister of mines during this period. First of all, who was
3 the highest government official in the government of Guinea in
4 charge of overseeing mining and the development of minerals in
5 the country?

6 A. It was the minister of mines and geology.

7 Q. And in 2009, that was Mr. Thiam, the defendant?

8 A. Correct.

9 Q. And if you could, just briefly describe the organization
10 that constituted the ministry of mines. And let me just first
11 ask you, how many people were in the ministry of mines; how
12 many employees?

13 A. There were between 800 and 1,000, 1,200 people, roughly.

14 Q. And who oversaw these people?

15 A. It was the minister of mines and geology.

16 Q. And if you could tell us, what were some of the powers and
17 responsibilities of the minister of mines during this period?

18 A. Well, he was, the minister of mines was defining the
19 elements of the policy of the government regarding the mining
20 sector. He was helping to promote the development of the
21 mining sector to allow to take part, to participate in what was
22 his allocated duties in the mining sector, and he was
23 contributing during, to the position of Guinea in the mining
24 sector, and he was also working on the activities --

25 THE INTERPRETER: The interpreter cannot remember the

H4pWthi3

Camara - Direct

1 last --

2 A. The activity of the mining industries, companies, and of
3 the regional services that are in charge.

4 Q. Did the minister of mines also have some powers in
5 connection with the granting of the rights to mine minerals in
6 the Republic of Guinea?

7 A. Yes, he had his powers that were acknowledged under the
8 law.

9 Q. And in particular, and briefly, what sorts of powers, what
10 sorts of rights could the minister of mines himself grant to
11 private companies to mine?

12 A. Well, the minister of mines had the power to grant the
13 license for research and exploration based on the
14 recommendations of the national direction of the mines. He had
15 also the power and the right to grant the license of mining
16 exploitation, but he couldn't grant concessions because that
17 was relevant to the capacity and the authority of the president
18 of the republic.

19 Q. OK. So he could grant exploration licenses?

20 A. Correct.

21 Q. And exploitation licenses?

22 A. Correct.

23 Q. But he could not alone grant concessions?

24 A. No. He didn't have that authority.

25 Q. Could you briefly describe the difference between these

H4pWthi3

Camara - Direct

1 three types of licenses?

2 THE COURT: Excuse me.

3 MR. KOBRE: Yes.

4 Q. Sorry, Mr. Camara. I'm just going to ask you --

5 THE COURT: I'm going to ask the interpreter, please,
6 to interrupt the witness so that you can --

7 THE INTERPRETER: Yes, your Honor.

8 THE COURT: -- translate portions of the longer
9 answers to make sure you capture everything that's said.

10 THE INTERPRETER: Yes, your Honor.

11 (Interpreter and witness conferred)

12 THE WITNESS: Yes, your Honor.

13 A. So the minister of mining, the exploration and research
14 licenses were connected to a certain surface of the area up to
15 1,400 square kilometers, and it would allow the stakeholders to
16 conduct all the research and the activities according to the
17 mining code that is concerning digging, extracting, the air and
18 magnetic system, etc. Secondly, there is the license of
19 exploitation. That also applies to restricted surface, and it
20 relates to investments that are also restricted. The timing
21 usually lasts between five to ten years.

22 Q. And if I could just interrupt, what would the exploitation
23 license allow the company to do?

24 A. The exploitation license allowed the company to extract the
25 minerals and to put them on the market in order to make some

H4pWthi3

Camara - Direct

1 money on the market.

2 Q. OK. And how did the exploitation license differ from the
3 third type, which you mentioned was concession?

4 A. The concession covers a much larger surface area than the
5 exploitation license, and it applies to the investments that
6 are required for the concessions that are much larger than for
7 the exploitation, and the timeline is also much longer.

8 Q. Other than the size and the timeline, do the exploitation
9 licenses and the concessions basically both allow the company
10 to do the same thing, to extract and sell the minerals?

11 A. Absolutely, yes.

12 Q. Now, you talked about some of the powers and
13 responsibilities of the minister of mines during this period.
14 Would important decisions about mining be taken without the
15 involvement of the minister of mines?

16 A. According to the law, no.

17 Q. And as far as you know?

18 A. The mining companies that were concerned could eventually
19 present their disagreement to the prime minister if they think
20 their capacities were being violated.

21 Q. If they didn't agree with the minister of mines?

22 A. If they don't agree with the minister of mines, they go a
23 little, slightly higher level.

24 Q. OK. Now, you testified earlier that at some point you
25 became familiar with a potential investor called China

H4pWthi3

Camara - Direct

1 International Fund.

2 A. Yes.

3 Q. How did you first learn about this potential Chinese
4 company that was proposed to invest in Guinea?

5 A. It's the prime minister who called me, and he gave me a
6 file regarding Chinese, the Chinese investors, and he asked me
7 to take care of that and to make sure that there would be good
8 practices and I would be in charge of the followup of all of
9 these activities. And he said it was on the basis of my own
10 experience and of the trust that he had in me.

11 Q. And what did you do with the file that he handed you that
12 related to China International Fund?

13 A. I started to review the file. I gave my first conclusions.
14 Some other documents came also. They were sent to me. I also
15 did some surveys and some outcomes. Progressively there was a
16 committee that was put in place.

17 Q. OK. Let me ask you about that. Did you, following your
18 getting these documents and reviewing them, participate in
19 meetings concerning this potential investment?

20 A. Yes. I participated in various meetings. I would say four
21 or five meetings.

22 Q. Let's discuss the first meeting that you remember attending
23 concerning this potential investment.

24 A. The first meeting I took part in, it was to present the
25 components, the elements of the project, the benefits of the

H4pWthi3

Camara - Direct

1 project for Guinea, and it was represented with a group of
2 people who were invited. It was a restricted group of
3 concerned ministers.

4 Q. When you say concerned ministers, what do you mean by that?

5 A. These were the ministers who were connected to the projects
6 regarding those investments, such as transportation,
7 agriculture, mines, etc., etc.

8 Q. Thank you. So in other words, the ministers whose sectors
9 would be directly affected by the potential agreement?

10 A. Correct.

11 Q. And so I understand that it was attended by the concerned
12 ministers, and you mentioned that one of those was the minister
13 of mines.

14 A. Correct.

15 Q. OK. That was Mr. Thiam, the defendant?

16 A. Yes, it was Minister Mahmoud Thiam.

17 Q. Was the prime minister at this meeting?

18 A. Yes, the prime minister was present and with other
19 ministers as well.

20 Q. And you mentioned a minister by the name of Barry, who was
21 the minister of housing?

22 MR. GOLDSMITH: Objection.

23 THE COURT: Sustained. Form.

24 Q. Could you tell us the names of some of the other ministers
25 who were present at this initial meeting that you're

H4pWthi3

Camara - Direct

1 describing?

2 A. Yes. There was Mr. Boubacar Barry. There was Mr. Sande,
3 the minister of finance. There was Mr. Loholamou, the minister
4 of justice. There were other ministers, and of course
5 Mr. Thiam, who was also present.

6 Q. OK. And were there any people who attended this meeting
7 who were not from the government of Guinea?

8 A. Well, there was the Chinese investors team that was
9 supervised by Mr. Sam, and Mr. Sam's representatives in Conakry
10 and in Guinea.

11 Q. Let me ask you a little bit about that. First of all, who
12 was Mr. Sam?

13 A. Well, for us he was the president, he was the chair of the,
14 the boss of the new Chinese investors.

15 Q. China International Fund?

16 A. Yes, correct.

17 Q. And you mentioned -- so Sam was the head, is that correct?

18 A. Yes.

19 Q. And I think you said that as well Sam's representative in
20 Guinea also attended this meeting?

21 A. Yes.

22 Q. What's that person's name?

23 A. Next to Mr. Sam, I think it was also Mr. Jack. And there
24 were also other Chinese people, but I can't quite recall their
25 names.

H4pWthi3

Camara - Direct

1 MR. KOBRE: My colleague, Ms. Laryea, is approaching
2 the witness with what is marked Government Exhibits 901 through
3 903.

4 Q. If you can just take a look through those photographs and
5 tell me if you recognize the individuals in those photographs.

6 A. Yes, for the people on these photographs, there was a later
7 prime minister, Mr. Jean-Marie Doré.

8 Q. If I can just ask you to identify, are you looking at
9 Government Exhibit 901 right now?

10 A. Yes. That's it.

11 Q. And who else do you recognize in that photograph?

12 A. There is Mr. Mahmoud Thiam, who is next to him. There is
13 Mr. Sam, who is also present. And he's probably with a
14 translator.

15 Q. And do you, looking at Government Exhibits 902 and 903,
16 recognize Mr. Sam in those photographs?

17 A. Well, yes. I, I can recognize Mr. Sam. He's there in each
18 of these pictures.

19 MR. KOBRE: Your Honor, the government offers
20 Government Exhibits 901 through 903.

21 THE COURT: Received.

22 (Government Exhibits 901-903 received in evidence)

23 MR. KOBRE: Could we publish, Mr. Beer, Government
24 Exhibit 901.

25 Is it possible for us to rotate?

H4pWthi3

Camara - Direct

1 THE COURT: Let's keep going while they experiment, I
2 guess.

3 MR. KOBRE: Sure.

4 Q. Looking at this photograph --

5 THE COURT: Perhaps we'll come back to it.

6 MR. KOBRE: Sure, your Honor. That makes sense.

7 Q. Now, if you could describe what happened at this initial
8 meeting that was attended by the defendant, yourself, and some
9 of the concerned ministers and some of the representatives of
10 the Chinese company.

11 THE COURT: You can take the photograph down if we're
12 not going to adjust it. Thanks.

13 MR. KOBRE: Thank you, your Honor.

14 A. So it's like such a project of this kind of project, the
15 project was presented and then the justifications and then the
16 elements of the project were presented to that meeting.

17 Q. Who was the main person --

18 A. The benefits of that project. Well, that's it. That's how
19 I can summarize the main aspects of that.

20 Q. Who was the main person speaking to present the benefits of
21 the investment?

22 A. It's Mr. Mahmoud Thiam, who was in a better position for
23 that. And he was supported during his presentation, sometimes
24 by Mr. Barry Boubacar and sometimes by the prime minister.

25 Q. But Mr. Thiam was the primary presenter?

H4pWthi3

Camara - Direct

1 A. Yes.

2 Q. And specifically, what do you recall Mr. Thiam saying about
3 the benefits of the investment?

4 A. Well, he was presenting the benefits of the investment as
5 something that would allow to improve the society on the basis
6 of certain elements, like access to water, electricity, the
7 restoration of certain roads, and also to allow big, to impart
8 a bigger transportation sector, and to do so that Guinea would
9 become a hub for West Africa between, through which the
10 Guineans and other investors from Africa would be connected to
11 Asia.

12 THE COURT: Thank you. Thank you. We're going to
13 break now for lunch. Thank you very much.

14 Ladies and gentlemen, do not discuss the case. We'll
15 see you back at 2:00 when we'll resume.

16 (Continued on next page)

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H4pWthi3

Camara - Direct

1 (Jury not present)

2 THE COURT: You may step down.

3 If I could ask the witness to leave the courtroom,
4 please.

5 (Witness not present)

6 THE COURT: I'm going to ask the government to work
7 with the interpreter, please, to be able to signal to the
8 witness so that the answers can be taken in shorter blocks and
9 translated more contemporaneously with the witness's statement.

10 MR. KOBRE: Yes, Judge. I've been working on it, but
11 we will redouble our efforts on that one.

12 THE COURT: Thank you. I very much appreciate that.

13 Mr. Kobre, is there anything we need to discuss during
14 lunch or right now?

15 MR. KOBRE: I don't believe so, your Honor.

16 THE COURT: And Mr. Goldsmith, anything we need to
17 discuss right now?

18 MR. GOLDSMITH: I don't believe so.

19 THE COURT: OK. I'd like Mr. Goldsmith and an
20 attorney for the government to approach the sidebar with the
21 court reporter for just a moment here, and then we're done and
22 we can break for lunch.

23 (At sidebar)

24 THE COURT: Mr. Goldsmith, I have a request.

25 MR. GOLDSMITH: Sure.

H4pWthi3

Camara - Direct

1 THE COURT: If you could speak to your paralegal to
2 make her a little less reactive in the courtroom.

3 MR. GOLDSMITH: Will do.

4 THE COURT: And a little more professional in her
5 demeanor.

6 MR. GOLDSMITH: Will do.

7 THE COURT: Thank you so much.

8 (In open court)

9 THE COURT: Have a nice lunch.

10 (Luncheon recess)

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Camara - Direct

1 AFTERNOON SESSION

2 2:00 p.m.

3 (In open court; jury present)

4 THE COURT: Thank you. Counsel.

5 MR. KOBRE: Thank you, Judge.

6 BY MR. KOBRE:

7 Q. Mr. Camara, before the break, you were telling us about the
8 initial meeting that you attended regarding the investment by
9 China International Fund. And I believe that you were in the
10 process of telling us some of the items that the defendant,
11 Mr. Thiam, was saying would benefit the Republic of Guinea
12 through this investment.

13 A. Yes.

14 Q. Now specifically, did he say anything during this meeting
15 about how the investment would benefit the budget of Guinea?16 A. I don't think he gave very specific details, but he said
17 that it would bring benefits to the budget of the government
18 because it was very imbalanced and we would need some specific
19 things like that to support the Guinean budget.20 Q. And during this meeting did he also say anything about
21 whether the agreement would benefit mining in the Republic of
22 Guinea?23 A. Yes. He said it would bring some benefits to the mining
24 sector that was a practical benefit for that sector that was in
25 a bad condition.

H4p1thi4

Camara - Direct

1 Q. Is it fair to say the defendant was promoting the benefits
2 of the agreement?

3 MR. GOLDSMITH: Objection.

4 THE COURT: Overruled. You may answer.

5 A. Sorry?

6 Q. Is it fair to say that during this meeting the defendant
7 was promoting the benefits of the investment by China
8 International Fund?

9 A. Yes, to the extent that the government had budget problems
10 in terms of taking power, that we didn't need any particular
11 promotions for the project. The company was promoting its own
12 budget. Because they were -- there was a real need in the
13 field and it was very concrete. All the populations were very
14 enthusiastic about it, as the administration of the country
15 were about receiving that project.

16 Q. Okay. And so you've described this initial meeting. What
17 was the next official meeting that you attended regarding this
18 potential investment?

19 A. If I remember correctly, there was a second meeting at the
20 presidential palace, if I believe, where we have the Council of
21 Ministers meeting.

22 Q. Okay. And so the first meeting was just a subset, a
23 subgroup of the ministers, is that right?

24 MR. GOLDSMITH: Objection.

25 THE COURT: Sustained.

H4p1thi4

Camara - Direct

1 Q. The initial meeting you described, was that the entire
2 Council of Ministers?

3 A. No, it was only with the ministers who were directly
4 concerned by the project.

5 Q. And so the second meeting that you're describing now was
6 the entire Council of Ministers?

7 A. It was the entire Council of Ministers because we needed
8 transparency.

9 Q. And what was the purpose of this full Council of Ministers
10 meeting?

11 A. It was reiterating the presentations that was presented in
12 the former restricted meeting.

13 Q. Other than ministers, was there anyone outside of the
14 government of Guinea who attended?

15 A. Yeah, I think that the Chinese were there.

16 Q. Specifically, which Chinese are you referring to?

17 A. It was Mr. Sam and his team.

18 MR. KOBRE: And if we can just publish for the members
19 of the jury Government Exhibit 901, which is already in
20 evidence.

21 Q. If you could take a look at that. You can look at the
22 screen as well, Mr. Camara, if that's easier.

23 Can you tell us what we're looking at, identify the
24 individuals in this picture?

25 A. There's the prime minister, there's Mr. Mahmoud Thiam,

H4p1thi4

Camara - Direct

1 there's Mr. Sam, and his interpreter.

2 Q. Okay. And just so we're clear, let's start from the left
3 side of the picture. Who is the individual all the way to our
4 left?

5 A. That's Mr. Thiam -- or Mr. Sam.

6 Q. Okay. And the female right next to him?

7 A. That's probably the translator, interpreter.

8 Q. You don't know who that is.

9 A. No, I don't know that person.

10 Q. Okay. And then moving to the second person from the right?

11 A. It's the minister Mahmoud Thiam.

12 Q. And then finally, all the way on the right-hand side?

13 A. It is the prime minister, Jean-Marie Doré.

14 Q. Now I think that's a name that we hadn't heard before. Was
15 the Prime Minister Jean-Marie Doré before or after Prime
16 Minister Komara who you mentioned earlier?

17 A. Mr. Jean-Marie Doré came after Mr. Komara.

18 Q. The prime minister that followed Mr. Komara?

19 A. Precisely.

20 Q. Okay. We can take that down now. Thank you.

21 Now could you describe what happened during this second
22 meeting, the meeting of the full Council of Ministers.

23 A. Starting with the repetition of the first meeting, and
24 there were also other topics in English that were mentioned, in
25 order to make the project progress, but I don't quite remember

H4p1thi4

Camara - Direct

1 in details all that was said on this occasion.

2 Q. Did Mr. Thiam say anything about the potential investment
3 during this second meeting?

4 A. Well, Mr. Thiam continued to play the same role. He
5 continued to explain the project, and to present this project.

6 Q. Okay. Turning now to -- we discussed two official
7 meetings, you've described.

8 A. Correct.

9 Q. Other than these official meetings, have you ever seen the
10 defendant, Mr. Thiam, coming to meet with -- engaging in a less
11 formal meeting?

12 A. Well, as a minister, he had the capacity to come, but from
13 a formal point of view, I believe I only saw him meeting the
14 prime minister about twice.

15 Q. Are those two times different or the same as the two
16 meetings you just described earlier in your testimony?

17 A. No, it's different.

18 Q. The two times that he came to meet with the prime minister,
19 was he with anyone else?

20 A. Well, I didn't see him from my own eyes that he came with
21 someone else, but I knew that he came with at least Mr. Sam to
22 visit the prime minister.

23 Q. And did you see that?

24 A. Well, I saw him, but I was not present during the
25 discussions and I probably had some more specific matters to

H4p1thi4

Camara - Direct

1 discuss with Mr. Prime Minister.

2 Q. So you saw the defendant with Mr. Sam coming to meet the
3 prime minister but you didn't participate.

4 A. Correct.

5 Q. What language did Mr. Sam and the other Chinese officials
6 speak?

7 A. They speak English.

8 Q. Did they speak any French?

9 A. No.

10 Q. So at the time how were the defendant Mr. Thiam's English
11 skills?

12 MR. GOLDSMITH: Objection.

13 THE COURT: Sustained.

14 Q. Did you learn in your interactions with Mr. Thiam during
15 the time that he was minister of mines whether he spoke any
16 English?

17 A. Well, from a general manner, he certainly was the one who
18 had the most perfect English among all our team.

19 Q. And from what you could observe as an adviser to the prime
20 minister, was he the primary point of contact with the Chinese?

21 A. Yes.

22 Q. Now at some point were you asked to participate in a
23 committee that was formed concerning the potential investment
24 by China International Fund?

25 A. I was asked to participate in a technical committee.

H4p1thi4

Camara - Direct

1 Q. And what was the job or what was the role to be on the
2 technical committee?

3 A. It was to review and to examine all the documents regarding
4 the financial, legal matters in order to review the connection
5 between the Guinea and China International Fund.

6 Q. And aside from yourself, about how many other members were
7 on the technical committee?

8 A. It was a significant number of people, from 15 to 17
9 people.

10 Q. And where were these people drawn from?

11 A. These people came from the various ministers that were
12 interested or concerned by this particular project.

13 Q. I'm going to ask you some questions about the work of the
14 technical committee, but before I do that, let me ask you, who
15 did the technical committee report to?

16 A. Well, the technical committee, everything was structured,
17 was reporting to the prime minister, and then the prime
18 minister get instructions to report regularly to the minister
19 of mines, Mr. Thiam.

20 Q. The prime minister directed you and the committee to report
21 its results to Mr. Thiam.

22 A. Yes.

23 Q. Now I want to talk a little bit about the work of the
24 technical committee.

25 During the course of your work on the technical committee,

H4p1thi4

Camara - Direct

1 did the technical committee receive draft agreements for the
2 potential deal with the Chinese?

3 A. Yes.

4 Q. And how many different draft agreements was the committee
5 provided?

6 A. The first project, there were always draft projects to
7 agreements. It was, we present the shareholders agreement;
8 after the shareholder agreement, in English, there was the
9 framework agreement; after the framework agreement, there was
10 the memorandum.

11 Q. And what was the purpose of having three -- why were there
12 three separate agreements?

13 A. And it was part of the administrative way of operating and
14 it was also to progress for the purpose of these agreements and
15 so it was going stage after stage.

16 Q. Which one was the most preliminary agreement?

17 A. Is the memorandum.

18 Q. And then second, in terms of formality?

19 A. Is the framework agreement.

20 Q. And then what was the final, ultimate agreement?

21 A. It was the shareholders agreement.

22 Q. And we're going to take a look at those in a moment, but
23 first let me ask, how were these documents, in their draft
24 form, conveyed to the technical committee?

25 A. It was the other prime minister.

H4p1thi4

Camara - Direct

1 Q. And did the prime minister ever tell you where he got these
2 drafts from?

3 A. The first time that the prime minister called me and to
4 give me the whole files, including the project, he told me that
5 it came from our Chinese friends and that it came via the
6 minister of mines.

7 Q. And that was the defendant Mr. Thiam, right?

8 A. Correct.

9 Q. My colleague, Ms. Laryea, is approaching you, Mr. Camara,
10 with what's marked Government Exhibits 401, 402, and 408, all
11 of which are in evidence. If you can take a look first at
12 Government Exhibit 401.

13 Do you recognize that?

14 A. Yes.

15 MR. KOBRE: And if we can publish the first page of
16 Government Exhibit 401. Thank you, Mr. Beer.

17 Q. And looking at that, Mr. Camara, have you seen that
18 document before?

19 A. Yes, I had seen this previously but not with signatures.

20 Q. Okay. And was this one of the documents that was given to
21 you by the prime minister for review on the technical
22 committee?

23 A. Yes.

24 Q. And who had given it to the prime minister?

25 A. From the institutional point of view, it's the minister of

H4p1thi4

Camara - Direct

1 mines who gave it to the prime minister.

2 Q. Okay. And just looking at the front, the first page here,
3 what's the date of this agreement?

4 A. It's June 6.

5 Q. Of what year?

6 A. 2009.

7 (Continued on next page)

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H4pWthi5

Camara - Direct

1 BY MR. KOBRE:

2 Q. Again, referring to the first page, who are the parties to
3 this agreement?

4 A. It's China International Fund limited and the government of
5 the Republic of Guinea.

6 MR. KOBRE: If we could go now to take a look at page
7 2, and if we could just enlarge the first half or first third.
8 Great.

9 Q. Referring to subparagraph (A) here, what is being agreed
10 upon here?

11 A. It was mentioned that we agreed to send high-level
12 delegation to Singapore and also to undertake into the, to
13 enter into the framework agreement.

14 Q. And taking a look at paragraph (B), does paragraph (B)
15 describe what the parties are ultimately agreeing to do in the
16 framework agreement?

17 A. And so, first of all, the establishment of the company is
18 mentioned and also the ownership of the company appears as well
19 as the object of this holding and financial company.

20 Q. And this paragraph refers to the company as a joint
21 venture. Could you explain what you understood when you
22 reviewed this document the idea of a joint venture to be?

23 A. Well, the concept of joint venture there meant that there
24 had to be a joint venture between China, China International
25 Fund and the Republic of Guinea.

H4pWthi5

Camara - Direct

1 Q. OK.

2 A. To get investments and funding.

3 Q. Now, I recognize when you reviewed the document in the
4 technical committee, it was not signed, but if we could just
5 take a look at the signatures here, who signs this document on
6 behalf of the government of Guinea?

7 A. It's Mr. Mamadou Sande.

8 Q. And what is his position?

9 A. He's the minister of finance.

10 Q. And who signs the document on behalf of China International
11 Fund?

12 A. On, on behalf of the China International Fund, it's
13 Mr. Jimmy Leung.

14 Q. And in this document, just looking at the document, what is
15 Mr. Jimmy Leung's position with China International Fund?

16 A. He's CEO.

17 Q. Now, in your work in the technical committee, did you have
18 direct interactions with Mr. Jimmy Leung?

19 A. Yes.

20 Q. And could you describe a little bit about that?

21 A. Well, Mr. Jimmy Leung was in charge of presenting the
22 administrative and legal project of the CIF and also to present
23 it to the technical committee to be reviewed by them.

24 Q. Did Mr. Jimmy Leung -- have you ever seen Mr. Jimmy Leung
25 with a computer?

H4pWthi5

Camara - Direct

1 A. It was his daily companion.

2 Q. And did you see any documents on that computer?

3 A. All the documents that were in the draft form were in that
4 computer.

5 Q. And in terms of -- you mentioned Mr. Sam and now we're
6 talking about Mr. Jimmy Leung. Who was more senior in China
7 International Fund?

8 A. Of course it's Mr. Sam.

9 Q. I'm going to ask you to take a look now at what's in front
10 of you, which is Government Exhibit 402.

11 MR. KOBRE: And Mr. Beer, if you could publish
12 Government Exhibit 402-T, which is the translation of 402.

13 Q. Do you recognize Government Exhibit 402?

14 A. Yes.

15 Q. And what is it?

16 A. It's an agreement regarding holding company for the
17 investments in the Republic of Guinea.

18 Q. And where have you seen this document before?

19 A. In the cabinet of the prime minister, and after that, at
20 the technical committee.

21 Q. Who provided it to the technical committee?

22 A. It's Mr. Prime Minister.

23 Q. Do you know how the prime minister got it?

24 A. No.

25 Q. OK. And is this the framework agreement that's described

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Camara - Direct

1 in the MOU we just looked at?

2 A. Yes.

3 Q. OK. Let's just look at a few items in this agreement.

4 First of all, what is the date of this agreement?

5 A. It's June 12, 2009.

6 Q. Is that about six days after the MOU we just looked at?

7 A. Correct.

8 Q. And who are the parties to this framework agreement?

9 A. There is the China International Fund and the government of
10 the Republic of Guinea.

11 Q. Do you know who drafted this agreement?

12 A. It's the Chinese team of Mr. Jimmy.

13 Q. And do you know how it got from the draft from Mr. Jimmy to
14 the technical committee?

15 A. It was through the ministry of mines that sent it to the
16 prime minister and then the prime minister send it to our
17 committee.

18 Q. OK, so from the minister of mines?

19 MR. GOLDSMITH: Objection.

20 THE COURT: Overruled.

21 A. Yes.

22 Q. Now, we're not going to look through this agreement in any
23 detail, but I just want to point you to two provisions and ask
24 you about them.

25 MR. KOBRE: If we could go to page 3. I don't believe

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Camara - Direct

1 the pages are actually numbered, so it's the third page, and if
2 we could just enlarge the first portion through paragraph (B).
3 Just referring first to paragraph (A), if we could enlarge
4 that, that would be great.

5 Q. What's being agreed upon here?

6 A. It's to create the holding company that belongs to both
7 parties regarding investment in the financing of projects in
8 the Republic of Guinea.

9 Q. According to paragraph (A), where is this company going to
10 be incorporated?

11 A. It would be Singapore.

12 Q. OK. And who is this company going to be owned by under
13 paragraph (A) ?

14 A. The two owners would be China International Fund and the
15 Republic of Guinea.

16 Q. And what is going to be, under this agreement, the main
17 business activity of this holding company?

18 A. It's the financing and the implementation of the projects
19 that are mentioned under paragraph (B) .

20 Q. And what are those, if you could just look at paragraph
21 (B), and you could read that for us?

22 THE COURT: Why don't you read that into the record,
23 counsel, if you want part of this, so we don't translate it
24 from English to French to English.

25 MR. KOBRE: That makes sense, your Honor. Thank you.

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Camara - Direct

1 I'll just read directly from paragraph (B): The parties will
2 cooperate as part of specific project identified --"

3 THE COURT: Go slowly so it can be translated to the
4 witness.

5 MR. KOBRE: Yes.

6 "The parties will cooperate as part of specific
7 projects identified by common agreement to invest, among
8 others, in energy, water treatment, electricity,
9 transportation, housing, agriculture, fishing, farming, or in
10 any other sectors of common interest, pursuant to the terms and
11 conditions of this master agreement (hereinafter designated as
12 the 'project')."

13 Q. Am I correct that it's all of these sectors that would be
14 part of this investment, this holding company?

15 A. Correct.

16 Q. Now, if we can go to page 4, and I want to ask you to focus
17 on a provision, section 2.3.

18 MR. KOBRE: And if we can just enlarge that bottom of
19 page 4, 2.3.

20 Q. Now, this is titled "shareholders agreement," right?

21 A. Yes.

22 Q. And what is this provision, if you can summarize what's
23 being agreed upon here?

24 A. This specific provision that the parties will apply for the
25 joint venture. These are the following terms and conditions.

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Camara - Direct

1 Q. Does it describe here what's called a shareholders
2 agreement?

3 A. Yes, it's the shareholders agreement.

4 Q. In this framework agreement, the parties are agreeing that
5 they will enter into another agreement called the shareholders
6 agreement, is that right?

7 A. Yes.

8 MR. KOBRE: OK. If we could go to the next page, just
9 a continuation of 2.3, and just enlarge through the table
10 there.

11 Q. Does this agreement provide what the ownership interests
12 will be in the holding company that's going to invest in the
13 sectors that we read a moment ago?

14 A. Not only the ownership, but also the proportions.

15 Q. OK. And what proportion of this holding company will be
16 owned by CIF?

17 A. 75 percent.

18 Q. And what percentage will be owned by the government of
19 Guinea?

20 A. It's 10 percent and -- 15 percent and 10 percent, so that
21 means 25 percent.

22 Q. So 75/25, correct?

23 A. Yes.

24 MR. KOBRE: And now let's just look at the signature
25 page, if we can, page 11 in Government Exhibit 402, which is

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Camara - Direct

1 the French version. Could we just enlarge that portion of it.

2 Q. So who signs this agreement on behalf of the government of
3 Guinea?

4 A. Mr. Sande.

5 Q. And do you know whose signature it is that appears on this
6 framework agreement on behalf of China International Fund?

7 A. No.

8 Q. So we've looked at two agreements. We've looked at the
9 memorandum of understanding and then we've looked at this
10 framework agreement. I want to ask you about the shareholders
11 agreement. Were you presented as part of the technical
12 committee a shareholders agreement to review?

13 A. The shareholders agreement was not presented, but it was
14 debated and we discussed about it.

15 Q. Well, was the technical committee presented with a draft of
16 the shareholders agreement?

17 A. No. It's a draft project received on the part of the
18 Chinese people.

19 Q. But you did receive a draft of the shareholders agreement?

20 A. Yes, we received the -- an agreement, yeah.

21 Q. OK. And if you could take a look at Government Exhibit
22 408.

23 A. Yes.

24 Q. Do you recognize that?

25 A. Yes.

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Camara - Direct

1 Q. What is it?

2 A. It's the shareholders agreement.

3 Q. And in terms of the form, does it appear similar to the
4 draft that was presented to you, to the technical committee for
5 review?

6 A. Yes, on the point of view of the structure, the context of
7 the document, yes.

8 Q. But some of the provisions are different now in Government
9 Exhibit 408?

10 A. Yes, during the final presentation to the technical
11 committee or during the discussion so the technical committee
12 would notice there are some differences.

13 MR. KOBRE: OK. If we could publish Government
14 Exhibit 408.

15 Q. And before I ask you some questions about this agreement,
16 do you know how the technical committee, who the technical
17 committee got the shareholders agreement from?

18 A. From the prime minister.

19 Q. And where did the prime minister get it from?

20 A. From the ministry of mines.

21 MR. KOBRE: OK. Let's take a look, if we could, just
22 expand or enlarge the first portion of the page, the center.
23 That's fine.

24 Q. What is the date of this shareholders agreement?

25 A. October 10, 2009.

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Camara - Direct

1 Q. And who are the parties to the shareholders agreement?

2 A. On the one hand, there is the Republic of Guinea. Well,
3 the China Investment Fund of Singapore and China Sonangol
4 International Singapore.

5 Q. And what do you understand CIF Singapore Pte, what is its
6 relationship with CIF or China International Fund, if any?

7 A. These are two companies that are subsidiaries that were
8 created in Singapore to manage the space of China International
9 Fund and China Sonangol International.

10 Q. If I understand you correctly, CIF Singapore is a
11 subsidiary of China International Fund?

12 A. Correct.

13 Q. And China Sonangol, that's an entity that we haven't seen
14 before in the previous two agreements that we looked at,
15 correct?

16 A. Yeah.

17 Q. Do you know how it came to be that this party, China
18 Sonangol International Singapore, became part of this potential
19 investment?

20 A. Well, given the extent and the scope of the, and the
21 project of the agreement, we decided we needed an extra
22 investors in order to, to take care of the basic projects.

23 Q. Were you yourself part of the discussion that resulted in
24 the adding of China Sonangol International to this agreement?

25 A. Perhaps we didn't pay attention too much to China Sonangol

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Camara - Direct

1 International. It's only on the day of the signature of these
2 agreements that we realized that the China Sonangol
3 International was one of the three shareholders. But
4 otherwise, everybody was focusing on China International Fund.

5 Q. OK. And if you'd just flip through the agreement, are
6 there initials that appear on each page of this agreement?

7 A. The initials that appear on this, they are variously --
8 they are the initials of Mr. Boubacar Barry, of Mr. Mahmoud
9 Thiam, of Mr. Loholamou, and of -- there are four, four, four
10 initials that I cannot identify.

11 MR. KOBRE: Mr. Beer, if we can just enlarge, go to
12 page 18, just picking any page at random, really, and just
13 enlarge the lower right-hand corner. Try to include the page
14 numbers so we can see that. Thank you. That's great.

15 Q. I'm looking at page 18, if you don't mind.

16 A. Yes.

17 Q. Do you have that in front of you?

18 A. Yes.

19 Q. Are those the initials of Mr. Thiam, MT, that's there?

20 MR. GOLDSMITH: Objection.

21 THE COURT: Sustained. You can lay a foundation.

22 Q. You testified a few moments ago that you saw that each page
23 of the document contains initials of several ministers, is that
24 right?

25 A. Yes.

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Camara - Direct

1 Q. And you mentioned that one of them was the initials of
2 Mr. Thiam, correct?

3 A. Yes.

4 Q. Looking at the bottom, lower right-hand corner of page 18,
5 can you describe for us which ones are the initials of
6 Mr. Thiam?

7 A. It's the third signature on page 18.

8 Q. The third from the left-hand side?

9 A. Yes. From the left-hand side, it's the third initials.

10 Q. The one that kind of looks like an MT?

11 A. Correct.

12 Q. OK.

13 MR. KOBRE: Now, if we can go to page 3 of Government
14 Exhibit 408.

15 Q. And if you could take a look at page 3. I'm going to ask
16 you a little bit about the three paragraphs that appear on this
17 page. First looking at paragraph (A).

18 MR. KOBRE: Could we just enlarge that briefly.

19 Q. The framework agreement that we looked at earlier had
20 described the incorporation of a company in Singapore. Does
21 this paragraph here describe that company?

22 A. Yes.

23 Q. And what's the name of the company in Singapore?

24 A. Well, we didn't find a final name for it, but we started
25 with the name of Africa Development Corporation to give it

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Camara - Direct

1 legal status to start with.

2 Q. OK. And that's what's reflected here in paragraph (A),
3 that the name of the company would be Africa Development
4 Corporation?

5 A. Correct.

6 Q. And based on this paragraph here, what would be the
7 division of ownership in Africa Development Corporation?

8 A. They are 1,000 regular shares, including 425 regular shares
9 for CIF and 424 -- 25 ordinary shares for China Sonangol
10 International, and finally, 150 ordinary shares for the
11 Republic of Guinea.

12 Q. So CIFS stands for China International Fund Singapore and
13 CSIS is China Sonangol International Singapore?

14 A. Yes.

15 Q. So in total, what percentage would these two entities own
16 of ADC?

17 A. 425 plus 425 amounts to 850, so that represents 85 percent.

18 Q. OK. So the two, these two Chinese entities would own 85
19 percent, and how much would be owned by the government of the
20 Republic of Guinea?

21 A. 15 percent.

22 Q. OK. If we could now turn to paragraph (B). Please take a
23 look at that. What is being agreed to here?

24 A. It was agreed to that the shareholders of ADC would take
25 the necessary measures to incorporate the various subsidiaries

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Camara - Direct

1 in Guinea, each of them being GDC.

2 Q. What does GDC stand for, even though it's not in this
3 paragraph?

4 A. It means Guinea Development Corporation.

5 Q. And we're going to get to a provision that describes what
6 these companies will do, but before we get to that, who will
7 own these GDC subsidiaries?

8 A. The subsidiaries, the GDC subsidiaries are the shareholders
9 of ADC, and the shareholders of ADC are China International
10 Fund and China Sonangol International.

11 Q. Do you need a drink of water? Sure.

12 And so I was asking you who, these GDCs are subsidiaries,
13 but who are the owners of GDC? Are they -- if you look at the
14 provision here --

15 A. It's the shareholders of ADC.

16 Q. And is the Republic of Guinea also a direct owner of each
17 GDC in a certain percentage?

18 A. Yes.

19 Q. OK. Let's now turn to the final paragraph on this page,
20 which is paragraph (C). Does this paragraph provide what
21 sectors of the Guinean economy will be assigned to ADC?

22 A. If you allow me, I would like to go backward a little bit.

23 Q. Of course. To?

24 A. Under paragraph (B).

25 Q. Sure.

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Camara - Direct

1 MR. KOBRE: If we could just enlarge that.

2 Q. Yes?

3 A. It was mentioned that 15 percent direct, directly owned by
4 the Republic of Guinea and all the other percentages that can
5 be agreed between the parties. What does this mean? It means
6 flat 15 percent plus the 10 percent that we mentioned before in
7 the framework agreement, so that's 25 percent.

8 Q. OK, but so what we have is, just to summarize, we have ADC
9 and we have its subsidiaries, GDCs, correct?

10 A. Correct.

11 Q. And ADC is owned 85 percent by these two Chinese companies
12 and 15 percent by the Republic of Guinea?

13 A. Yes.

14 Q. Now, can you just return to paragraph (C)?

15 A. Yes.

16 Q. Does this paragraph describe what sectors of the Guinean
17 economy will be the subject of this joint venture ADC?

18 A. Yes.

19 Q. And I recognize there's a long list, so I won't read it out
20 loud, but does it include diamonds, iron, bauxite, gold, oil,
21 and gas concessions?

22 A. It's the whole value of the mining resources that
23 represents a common state.

24 Q. OK. Now, I want to focus on two particular provisions of
25 this agreement, of the shareholders agreement. First, in the

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Camara - Direct

1 draft agreement that was provided to you as part of the review
2 process on the technical committee, did that draft include an
3 exclusivity provision?

4 A. Which draft are you talking about, the draft of the
5 framework agreement or the other agreement?

6 Q. I'm talking about a draft of this shareholders agreement
7 that we're looking at now.

8 A. Yes.

9 Q. It did contain an exclusivity provision, correct?

10 MR. GOLDSMITH: Objection.

11 THE COURT: Overruled.

12 A. Yes.

13 Q. And just briefly, can you explain what that provision said,
14 to the best of your recollection?

15 A. Could we read that provision clearly for everybody?

16 Q. Yes. Before we get to that, in your review of this final,
17 signed shareholders agreement, did you see the same exclusivity
18 provision, Mr. Camara?

19 A. Yes, we saw the same exclusivity provision.

20 Q. OK. And if we could go to page 12 and look at, enlarge
21 section 2.4.9 --

22 A. Yes.

23 Q. -- is that the exclusivity provision that you recall seeing
24 in the draft agreement of this and the draft shareholders
25 agreement that was presented to the technical committee?

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Camara - Direct

1 A. Yes.

2 Q. And I'm just going to read that first sentence of 4.2.9.

3 It says, "Subject to the laws and regulations in force, the
4 Republic of Guinea shall give full exclusivity to ADC and the
5 GDCs in respect of the sectors identified and approved by the
6 parties, as set out in the proposed projects to be undertaken
7 by the GDCs in this agreement and the master agreement."

8 A. Yes.

9 Q. Could you explain what giving full exclusivity to the ADC
10 means, as reflected in this agreement?

11 A. It means that the full exclusivity, there will be the
12 ownership of the investment rights and development rights in
13 this project, and that apart from them, nobody else will have
14 access to that unless they decide to, to leave some of the
15 rights to some other companies.

16 MR. KOBRE: Mr. Beer, if we can put up side by side
17 this provision and page 3 of subparagraph (C).

18 A. Yes.

19 Q. So the projects that are subject to this exclusivity
20 provision are all the projects -- where can we find the
21 provision describing those projects?

22 A. It's in the provision (C).

23 Q. OK. And if you look at your screen, is that the list that
24 we looked at earlier in paragraph (C) on page 3?

25 A. Yes.

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Camara - Direct

1 Q. When you reviewed this as part of your review process on
2 the technical committee, did this exclusivity provision concern
3 you?

4 A. Yes. It created some concerns. Many concerns.

5 Q. What concerns?

6 A. The sovereign rights of the Republic of Guinea regarding
7 its natural resources were practically removed from Guinea.

8 Q. OK. Thank you. Did you later address those concerns to
9 anyone else in the government of Guinea?

10 A. Yes, those concerns were presented to the council of
11 ministers that was regrouping the concerned ministers, and it
12 was also -- they were also presented equally to the president
13 of the steering committee plus to the minister of mines,
14 Mr. Thiam.

15 Q. And who was it who presented these concerns to, let's take
16 the minister of mines, Mr. Thiam?

17 A. Well, Mr. Thiam welcomed us in his cabinet of ministers
18 cabinet, and I presented some of these certain objections. I
19 would say that there were more or less three or four objections
20 that I presented to Mr. Thiam.

21 Q. OK. Thank you. And I want to just discuss one other main
22 provision of this agreement. Do you recall in the draft that
23 you were provided for review of the shareholders agreement a
24 provision concerning the creation of a national mining company?

25 A. Yes.

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Camara - Direct

1 Q. And I'll point you to the provision as it exists in this,
2 Government Exhibit 408, but before I do that, can you describe
3 what you recall about what was in the draft concerning the
4 national mining company?

5 A. This national mining company -- corporation was supposed to
6 be an asset company, national asset company that would hold all
7 the shares of the government in the current mining companies,
8 and also for the future companies, that would exert, implement
9 their commercial rights of retrieval and that would own the
10 exploration rights, potential rights of exploration, etc., etc.

11 Q. Let me ask you, what is the value of the rights that you
12 just described, the existing mining rights and future mining
13 rights to these natural resources?

14 A. Well, that means that we grant the licenses to the
15 investors to develop the sectors. If their research lead to
16 positive outcome, then some companies of exploitation are being
17 created. And the government of Guinea will get an off-take of
18 getting 15 percent for free. That's the first benefit. The
19 second benefit will be that the government from Guinea will
20 have the rights to remove some of the rights to, from
21 production, or part of the production, which is a very
22 significant commercial benefit.

23 Q. OK.

24 A. And the government will have the opportunity to obtain some
25 dividends.

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Camara - Direct

1 Q. OK. And so this national mining company that you're
2 recalling would get all of these mining rights, correct?

3 THE INTERPRETER: Sorry. The interpreter didn't hear.

4 Q. This national mining company would be given substantial
5 mining rights, is that correct?

6 MR. GOLDSMITH: Objection.

7 THE COURT: Overruled.

8 A. Regarding mining rights. The mining rights cannot be owned
9 by the national company. It's only the national company does
10 its own research and finds some things that it can obtain some
11 of those mining rights. The mining rights belong to the
12 company that found the mining sites.

13 Q. OK. I understand that, and we're going to return to that
14 in a moment.

15 THE COURT: Excuse me, Mr. Kobre. Can you choose a
16 good time for a midafternoon recess.

17 MR. KOBRE: I think now would be just fine, your
18 Honor.

19 THE COURT: OK. Good.

20 Ladies and gentlemen, let Ms. Rojas know when you're
21 ready to return. Feel free to take ten minutes or so.

22 (Continued on next page)

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1 (Jury not present)

2 THE COURT: Step down.

3 (Witness not present)

4 THE COURT: Counsel, Mr. Kobre, do you need to raise
5 anything during the break?

6 MR. KOBRE: No, your Honor.

7 THE COURT: Mr. Goldsmith.

8 MR. GOLDSMITH: No.

9 THE COURT: Mr. Kobre, this is an older gentleman, who
10 is moving slowly as he walks through the courtroom, and it
11 would be just fine with me, and I'm sure with everyone, if you
12 wanted to have him escorted by someone, because I think he's
13 moving slowly in part out of fear of tripping or falling, and I
14 don't want that to happen. I'm sure none of us want that to
15 happen, so if you want to have someone walk with him back and
16 forth to the witness stand, that's fine with me.

17 MR. KOBRE: Thank you, Judge. We've been cognizant of
18 it, and I'll raise it with him again.

19 THE COURT: Thank you, all.

20 (Recess)

21 THE COURT: Please be seated. Bring in the witness.
22 Bring in the jury.

23 (Continued on next page)

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Camara - Direct

1 (In open court; jury present)

2 THE COURT: Counsel.

3 MR. KOBRE: Thank you, Judge.

4 Q. Mr. Camara, right before the break, we were discussing the
5 provision in the shareholders agreement concerning the national
6 asset company.

7 A. Yes.

8 Q. And I think you testified that the national asset company
9 was going to hold many valuable mining rights, is that correct?

10 A. Yes, assets of great value, current assets and future
11 assets.

12 Q. And under the draft shareholders agreement, as you recall
13 it, were the Chinese companies given any -- what were their
14 rights going to be in that asset company?

15 A. As we said before, it's the strategic partners, China
16 International Fund and China Sonangol International fund, that
17 were supposed to be regrouped together in order to facilitate
18 the investments.

19 Q. OK.

20 MR. KOBRE: Could we take a look, Mr. Beer, at page 16
21 of Government Exhibit 408.

22 THE WITNESS: Yes.

23 MR. KOBRE: And I'm going to start with just, if we
24 can expand or enlarge section 4.4.

25 Q. We'll look at the English portion of it, but Mr. Camara,

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Camara - Direct

1 you'll look at the French. And it's entitled "Republic of
2 Guinea's obligations," and I'll just read the first paragraph.
3 It says: "The Republic of Guinea hereby undertakes to, in
4 conformity with the regulations in force and at the cost of ADC
5 and the GDCs, where such fees are applicable:" and then there
6 are certain provisions that come after that. Right?

7 A. Yes.

8 Q. And if you look at 4.4.2, subparagraph (A), what is the
9 Republic of Guinea obligated to do under this portion of the
10 agreement?

11 A. Yes, this obligation under provision 4.4.2, so it says it
12 will, a company's evaluation of the obligations of China
13 International Fund S and China International Sonangol S, if
14 they fulfill their obligations. If they fulfill their
15 obligations, according to evaluation of the government, they
16 will be granted mining concessions in the oil industry, gas,
17 and in other mining sectors. And it will also be granted
18 mining rights, rights of take, of take rights, and marketing
19 rights.

20 Q. So the Republic of Guinea will be obligated to grant those
21 rights to these two companies, correct?

22 A. If the evaluation is satisfactory and positive.

23 MR. KOBRE: OK. Now let's look at page 17, which is
24 subparagraph (B), if we can just enlarge that.

25 Q. Is this the provision concerning the national asset company

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Camara - Direct

1 that you were referring to?

2 A. Yes, that's it.

3 Q. OK. And it talks here about granting to these two entities
4 the rights, and I'm reading here, "The right to be the first
5 and strategic shareholder with the Republic of Guinea of a
6 national mining company."

7 A. Yes.

8 Q. And what rights would the national mining company have
9 under this provision?

10 A. The national mining corporation would get the rights
11 attached to the shares that are already associated with the
12 current mining operations. And rights for the new projects,
13 the dividends that might come from that, and for the
14 operational and the future projects, the commercial and
15 taking-off rights, and the commercial rights of marketing, it
16 represents an incredible and enormous amounts of rights and
17 benefits.

18 Q. And what does it mean that the Chinese companies would have
19 the right to be the first and strategic shareholder in that
20 company that has incalculable value?

21 A. Well, given the strategic character of the development of
22 all these resources, the government cannot do that by itself.
23 It is, it has to have some partners who have very important
24 means to support the government, so those are the ones to whom
25 we are going to grant the first opportunities. If they are

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Camara - Direct

1 interested in it, they will seize those opportunities.

2 Otherwise they will reject them.

3 Q. And when you say those opportunities, it would be an
4 opportunity to obtain the profits from these mining rights?

5 A. Yes, and not only that it concerned the current rights, but
6 also the future rights.

7 Q. OK. So when you saw this provision in the draft
8 shareholders agreement, did it cause you some concern?

9 A. Yes, it created concerns for us.

10 Q. Particularly what?

11 A. Yes, it really represented a real threat on to the
12 government regarding operational projects that were already in
13 place and to projects that would be developed in the future.
14 From a logical point of view, it was first estimated that it
15 would be a good way to regroup the investments and the various
16 actions in which the government would be interested in.

17 Everything would have been right if it would be under the
18 control of the government 100 percent. But if there is a third
19 party that intervenes in that, then it creates problems.

20 Q. And who was the third party here?

21 A. It was China Sonangol and China International Fund.

22 Q. OK. Let's just talk a little bit about what happened as a
23 result of the technical committee's work. First of all, about
24 how many times in total did the technical committee meet?

25 A. I believe four or five times.

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Camara - Direct

1 Q. Over what period of time?

2 A. Over a period of two and a half months.

3 Q. And you testified earlier that you had been told by the
4 prime minister that the results should be reported to the
5 defendant, Minister Thiam?

6 A. Yes, we were told to report back to Mr. Thiam, but we had
7 some kind of constraints. We were not always able to go see
8 Mr. Thiam. Sometimes Mr. Thiam was too busy with his own
9 activities, or maybe he was traveling, so we had to wait to
10 have this opportunity to meet Mr. Thiam, and I believe we had
11 one such opportunity to do so.

12 Q. OK. And did you, in fact, present your results to
13 Mr. Thiam?

14 A. Yes. Mr. Thiam received us and we presented the summary of
15 our concerns --

16 Q. And --

17 A. -- that were related to two or three points.

18 Q. Are any of those points the points we've discussed earlier
19 here during your testimony?

20 A. Apart from the points regarding the asset company --

21 Q. Was that one of the concerns --

22 A. The points regarding its guidelines, instructions, and its
23 exclusivity. I think there were two other, additional points
24 that were added to that. They were the payment of the heads of
25 investors, either from the tax outcomes or the payment, and it

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Camara - Direct

1 was not allowed, according to the finance law.

2 Q. OK. So if I have you right, you presented to Mr. Thiam the
3 concerns about the exclusivity. Is that correct?

4 A. Yes, we did that briefly. Yes.

5 Q. And the national asset company, the concerns regarding
6 that?

7 A. Yes.

8 Q. And you also presented a third concern, which you just
9 mentioned now, about something relating to the way the Chinese
10 company would receive payments?

11 A. Yes.

12 Q. And where did this meeting take place? Where was it that
13 you met with Mr. Thiam to present these concerns?

14 A. It was in the work cabinet of Mr. Thiam.

15 Q. Was it just you alone who went to meet with him, or were
16 there others present there too?

17 A. No. I believe there were five to six people present.

18 Q. Who were those other five to six people?

19 A. It was Mr. Fofana, Mohamed Lamine; Mr. Baomah; there was
20 Mr. Habid Ahn. There were other people, but I don't recall
21 their names. But those were the most important ones.

22 Q. Were those people also members of the technical committee?

23 A. They were all members of the technical committee.

24 Q. OK. And do you remember anything that Mr. Thiam said in
25 response to your raising these concerns with him?

H4pWthi5

Camara - Direct

1 A. Well, when we presented those concerns, we didn't get very
2 detailed response. It was very quick, and he only said that it
3 would be the object of discussions at the higher level, either
4 with the prime minister or Minister Boubacar Barry, regarding
5 these questions.

6 Q. OK. So he said it would be the subject of further
7 discussions among the other ministers?

8 A. Exactly.

9 Q. OK. Mr. Camara, it's OK. We'll arrange those papers
10 later.

11 Let me ask you, we've looked over three separate agreements
12 this afternoon, the memorandum of understanding, a framework
13 agreement, and now the shareholders agreement. Is that right?

14 A. Yes.

15 Q. I want to focus for a minute back on the framework
16 agreement, the one that we looked at right before the final
17 shareholders agreement. At some point during your work with
18 the technical committee, did you learn that another version of
19 the framework agreement had been entered into with the China
20 International Fund?

21 A. Yes.

22 Q. And one that you had not worked on in the technical
23 committee?

24 A. No, we didn't even work on that one.

25 Q. OK. My colleague, Ms. Laryea, is approaching you,

H4pWthi5

Camara - Direct

1 Mr. Camara, with Government Exhibit 406. Mr. Camara, if you
2 could take a look at that --

3 MR. KOBRE: And Mr. Beer, if you can post that or
4 publish that to the jury.

5 Q. Mr. Camara, prior to last week, late last week, when I
6 showed that to you, had you ever seen this agreement before?

7 A. No.

8 Q. Let's just look over briefly some of this agreement. First
9 of all, when is it dated?

10 A. July 18.

11 Q. Of what year?

12 A. 2009.

13 Q. And let's look at page 3.

14 MR. GOLDSMITH: Objection.

15 THE COURT: Overruled.

16 MR. KOBRE: And if we can enlarge the first portion of
17 the page through paragraph (B).

18 Q. Does this appear similar to the page 3 of the framework
19 agreement that you worked on that we looked at earlier today,
20 in terms of the format?

21 A. Could you reformulate your question, please?

22 Q. Sure. Does the form of this page, of this July 18
23 framework agreement, appear similar to the form of the page
24 that we looked at earlier of the framework agreement that you
25 worked on, the June 12 agreement?

H4pWthi5

Camara - Direct

1 MR. GOLDSMITH: Objection.

2 THE COURT: Overruled.

3 A. The format is the same.

4 Q. OK.

5 A. The structure.

6 Q. OK, but is there, does this agreement contain an additional
7 party that was not contained in the June 12 framework
8 agreement?

9 A. Yes. The party regarding the mining sector is a very
10 significant difference.

11 Q. I'm going to get to that in a moment, but right now I'm
12 just focusing on the actual parties to the agreement.

13 A. Oh, yes. The parties, yes. There's a big difference
14 because China Sonangol is a bidder here.

15 MR. KOBRE: I think what would be helpful, Mr. Beer,
16 if we could put up side by side this portion of Government
17 Exhibit 406 and then 402-T, which is the framework agreement
18 that you worked on, the June 12 agreement.

19 Q. And so the June 12 agreement had just the two parties,
20 China International Fund and the Republic of Guinea. The July
21 18 agreement, which you had not seen before, has the additional
22 China Sonangol, is that right?

23 A. Yes.

24 MR. KOBRE: Mr. Beer, if we can now just enlarge the
25 section (B) of each of those two agreements, page 3 of each of

H4pWthi5

Camara - Direct

1 those two agreements.

2 A. Before we look at that, I would like to mention some kind
3 of difference. There is a material, concrete difference. They
4 repeated the same No. 2 twice.

5 THE COURT: Excuse me one second. You may only answer
6 questions that are placed to you. If you can answer the
7 question simply with a yes or a no, please do so. If you
8 require a further explanation to answer the question fairly,
9 you may do so.

10 Mr. Kobre.

11 MR. KOBRE: Thank you, Judge.

12 Q. I just want to point out to you, we have, looking at
13 paragraph (B) on page 3 of each of the two agreements, and if
14 you're looking at the screen, the top enlarged portion is an
15 enlarged portion from Government Exhibit 406, and the bottom
16 portion is an enlarged portion from Government Exhibit 402-T
17 which is a translation of the master agreement -- or the
18 framework agreement, rather, that you worked on. What are
19 these paragraphs generally; what are they describing?

20 A. These paragraphs describe the sectors in which the parties
21 have to cooperate on.

22 Q. And in particular, are these the sectors that were also
23 subject to the exclusivity provision, that exclusive rights to
24 these sectors would be awarded to the joint venture?

25 A. In the first project, there was no exclusivity that was

H4pWthi5

Camara - Direct

1 mentioned, but in the second one, exclusivity was mentioned.

2 Q. OK. And in looking at these two paragraphs, the one on
3 top, which is the framework agreement in July, and the one on
4 the bottom, which is in June, are there additional sectors that
5 are referred to in the July framework agreement?

6 MR. GOLDSMITH: Objection.

7 THE COURT: Sustained.

8 Q. Do you see a difference, Mr. Camara, in the list of sectors
9 listed in these two agreements?

10 THE COURT: That's a yes or a no.

11 A. Yes. Yes, there is a difference.

12 Q. What is different? Which additional sectors, which sectors
13 are described in Government Exhibit 406, the top portion,
14 versus the ones that are in Government Exhibit 402?

15 A. It's the mining and mineral sector.

16 Q. And in particular, minerals and mining, and I'm reading
17 from Government Exhibit 406, "Minerals and mining (including
18 diamond, coal, bauxite, cobalt, iron ore)" are all contained in
19 Government Exhibit 406?

20 A. Correct.

21 Q. Other than that, does the list of sectors appear to be the
22 same?

23 A. Yes, as regards the remaining things, it's the same.

24 MR. KOBRE: We can take that down. Thank you.

25 Q. Now, after you presented the work of the technical

H4pWthi5

Camara - Direct

1 committee to Mr. Thiam and had the meeting you described
2 before, were there additional meetings concerning the
3 shareholders agreement?

4 A. There was one meeting with the directly concerned
5 ministers.

6 Q. And what date was that meeting?

7 A. On the 7th.

8 Q. Of what month and what year?

9 A. It was in October, I believe.

10 Q. October 7 of what year?

11 A. I believe it was in 2009.

12 Q. And you said that that meeting was attended by the
13 concerned ministers. Would that include the defendant,
14 Mr. Thiam?

15 A. Yes.

16 Q. Where did that meeting take place?

17 A. In the cabinet of the prime minister.

18 Q. And what happened during this meeting of concerned
19 ministers on October 7, 2009?

20 A. We presented the various projects, and we presented project
21 after project, the observations. We brought in the projects,
22 the amendments, and all these aspects.

23 Q. Did you present any of the concerns that you had previously
24 presented to the defendant?

25 A. Yes. Yes, it was presented.

H4pWthi5

Camara - Direct

1 Q. OK. Who actually did the presenting?

2 A. It's myself.

3 Q. OK. And which of the concerns do you recall presenting at
4 that October 7 meeting?

5 A. It was the provision regarding exclusivity. There was the
6 one concerning the assets company. There was the one regarding
7 the reimbursement of the loan by the investors. There was the
8 issue of the validity of the agreement that had not followed
9 the internal procedures.

10 Q. Which agreement are you referring to that had not followed
11 the internal procedures?

12 A. It's the whole, all the three agreements, but in particular
13 the shareholders agreement.

14 Q. OK. My colleague, Mr. DiMase, is approaching you,
15 Mr. Camara, with Government Exhibit 407, which is in evidence.
16 Do you recognize that?

17 A. Yes.

18 Q. And what is it?

19 A. Is the minutes of a meeting regarding the finalization of
20 the shareholders agreement -- well, the shareholders agreement.

21 Q. And am I correct that these minutes describe meetings on
22 two different days?

23 A. Yes, there was a meeting prior to the meeting of the 7th to
24 prepare with technical committee, and then there was the
25 meeting of the 7th, and then there was the meeting of the 8th.

H4pWthi5

Camara - Direct

1 Q. OK. And which two meetings are described in this document?

2 A. Those are the meetings of the 7th and the 8th.

3 MR. KOBRE: Mr. Beer, if you could publish Government
4 Exhibit 407-T, which is the translation. And if we can go to
5 page 2 and if we could just enlarge the portion starting from
6 "the recommendations of the negotiating committee," right
7 before the 1. From there to the bottom, that would be great.

8 Q. Are these two of the points that you raised during the
9 meeting of October 7 at the meeting of concerned ministers?

10 A. Yes.

11 Q. And in particular, is point 2 the point that you were
12 describing, the concern with the exclusivity provision?

13 A. Yes.

14 Q. And if I can point you to the second sentence of point 2,
15 and I'll just read it, "It should be noted that this clause,"
16 referring to the exclusivity provision, "cannot be applied
17 because of the right of preemption granted by law and mining
18 conventions."

19 A. Yes.

20 Q. And if you can just briefly explain to us what that means.

21 A. According to the practice of mining conventions signed by
22 the government, once a company is ready to go into effect,
23 within the attributive clause of the shares, there is an
24 additional clause applying to the rights of transmission. And
25 the rights of the, the session rights, that is, to sell the

H4pWthi5

Camara - Direct

1 shares. In that particular case, the right of preemption is
2 attributed to the initial shareholders. If the initial
3 shareholders refuse, then we open the opportunity to other
4 companies that then can take part in the company.

5 (Continued on next page)

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H4p1thi6

Camara - Direct

1 BY MR. KOBRE:

2 Q. So am I right that the exclusivity provision would violate
3 what you're referring to right now?

4 A. I didn't quite understand what you were meaning with your
5 question.

6 Q. Would the exclusivity provision violate the rights of these
7 prior shareholders? Is that what you're referring to?

8 A. Absolutely, yes.

9 Q. Okay. And now if we can go to the next page and go to
10 point 3.

11 You mentioned that one of the other concerns that you
12 raised at this meeting was an issue concerning the framework
13 agreement. Is that described here?

14 A. Yes.

15 Q. And explain what the concern is as reflected here and what
16 your recommendation was.

17 A. Well, we explained that it was different between the
18 framework agreement that was signing Conakry with the one
19 signing Singapore.

20 Q. Are those the two that we looked at a moment ago where
21 there was a difference in the list of projects?

22 A. That there was a difference, of course, in the list of
23 projects and at other levels as well.

24 Q. Okay.

25 A. But we had to make a decision. The committee recommended

H4p1thi6

Camara - Direct

1 that the Conakry signed version would be the final version.

2 Q. Why?

3 A. Because it was coming much closer to our concern.

4 Q. Did the other agreement, the one that was signed in July,
5 come through your committee? Was it reviewed by the technical
6 committee?

7 A. You mean July 17?

8 Q. Yes. July 18th.

9 A. No.

10 Q. Were you concerned with the level of transparency that
11 existed with respect to that agreement?

12 A. Of course.

13 Q. Can you explain that.

14 A. It's applied to the internal work procedures. We cannot be
15 given a mission and go around it to do something else.

16 Q. So you felt that whoever had concluded that other July
17 agreement had gone around the proper procedures?

18 MR. GOLDSMITH: Objection.

19 THE COURT: Sustained.

20 Q. So after this October 7th meeting was there a meeting the
21 following day as well regarding the shareholders agreement?

22 A. There was a Council of Ministers on October 8th.

23 Q. The full council.

24 A. The full council.

25 Q. And among the ministers was Minister Thiam, the defendant,

H4p1thi6

Camara - Direct

1 in attendance?

2 A. Well, yes, I must say he was present, Mr. Thiam.

3 Q. And what happened during this full Council of Ministers
4 meeting on October 8, 2009?

5 A. All the concerns that I have mentioned were presented
6 during that October 8th meeting.

7 Q. Let's take them one at a time. Was your concern about
8 granting exclusive rights to the Chinese companies presented to
9 the full council?

10 A. Yes.

11 Q. And was a decision taken by the Council of Ministers about
12 how to deal with that concern?

13 A. Well, I don't quite recall what was the decision that was
14 taken at the Council of Ministers regarding that issue.

15 Q. Okay. Can you refer to Government Exhibit 407 and in
16 particular to the fourth page.

17 Is there anything in Government Exhibit 407 regarding the
18 exclusivity, in the final page of Government Exhibit 407?

19 A. Well, I cannot see. Give me a minute, please.

20 Q. Sure.

21 A. I see the exclusivity only in paragraph 2, but I don't see
22 it on the paragraph that is being displayed.

23 Q. Why don't I ask you about whether you expressed concerns
24 about the National Asset Company.

25 A. Yes.

H4plthi6

Camara - Direct

1 Q. And do you recall what the Council of Ministers decided
2 about that? Referring to point 3 on the last page of
3 Government Exhibit 407.

4 A. To be clear, the exclusivity was rejected, but the strategy
5 partner was given the opportunity to participate in the process
6 of privatization and restructuring of the capital for these
7 mining companies.

8 Q. Okay. So if I'm clear, when you say the exclusivity was
9 rejected, do you mean that the Council of Ministers decided
10 that that exclusivity provision should be stricken from the
11 agreement?

12 MR. GOLDSMITH: Objection.

13 THE COURT: Overruled.

14 MR. KOBRE: Do you want me to repeat the question?

15 THE INTERPRETER: Yes, please.

16 Q. When you say that the exclusivity provision was rejected,
17 do you mean that the Council of Ministers decided to strike the
18 exclusivity provision from the agreement?

19 A. Yes. Yes. It required that this clause would be replaced
20 by the clause of participation to privatization and
21 restructuring of the capital of mining companies, whether they
22 are the current ones or the ones who come forward.

23 Q. Okay. In your review of Government Exhibit 408, which is
24 the final signed shareholders agreement, was in fact the
25 exclusivity provision still in that?

H4p1thi6

Camara - Direct

1 A. It is featured in the final document.

2 Q. Despite the fact that the Council of Ministers rejected it.

3 A. Absolutely.

4 Q. Now at some point after -- were you present, by the way, at
5 the signing of the shareholders agreement?

6 A. Yes.

7 Q. And when did that occur? What date was that? If you want
8 to refer to Government Exhibit 408.

9 A. It happened on the 10th.

10 Q. Of what month and what year?

11 A. October 10, 2009.

12 Q. And after the signing of that agreement, did you have a
13 further conversation about that agreement with Prime Minister
14 Komara?

15 A. Mr. Komara was not present when this agreement was signed,
16 but after he returned and saw the remarks that we presented, he
17 asked us to prepare a letter to Mr. Boubacar Barry, and we
18 prepared that letter. We wrote in that letter, included all
19 the observations that had to be taken into account, and he
20 asked that this procedure takes into account all these
21 observations.

22 Q. Okay. We're going to go through the letter in a moment,
23 but who was the letter actually sent to?

24 A. To Mr. -- the chair of the steering committee.

25 Q. Okay. And was it copied to anyone else?

H4p1thi6

Camara - Direct

1 A. We sent a copy -- a copy was sent to the three people, the
2 president and Mr. Mahmoud Thiam, the minister of mines, and a
3 third person, I don't quite recall; and there was also another
4 person, but I don't quite remember who received that copy, the
5 other person.

6 Q. Okay. And who drafted the letter?

7 A. I drafted that letter.

8 Q. At the direction of who?

9 A. It was under the instructions of Mr. -- the prime minister.

10 Q. And did the prime minister tell you what he wanted in the
11 letter or was it your thoughts?

12 A. It was our own thoughts that had been validated by the
13 prime minister. And it was reflecting the outcomes of the
14 meeting, the previous meetings of the ministers.

15 Q. Okay. My colleague, Mr. DiMase, is approaching you,
16 Mr. Camara, with Government Exhibit 410.

17 MR. KOBRE: And at this point, Mr. Beer, if you could
18 publish for the jury Government Exhibit 410-T, which is the
19 translation.

20 Q. Mr. Camara, is that the letter that you drafted on behalf
21 of the prime minister, Mr. Komara, expressing concern after the
22 signing of the shareholders agreement?

23 A. Correct.

24 MR. KOBRE: Okay. And Mr. Beer, if we can just
25 enlarge the first paragraph after Mr. President, or the first

H4p1thi6

Camara - Direct

1 two paragraphs.

2 Q. I'll just read that, and then we'll go to the next page.

3 It says, "You will remember that in the context of the

4 relations between the Republic of Guinea and China

5 International Fund Singapore PTE LTD, the various documents

6 that govern the relationship between the parties have been

7 regularly discussed by the council that provides guidance

8 before any finalization and signature."

9 And now I'm going to refer you, if I might, Mr. Camara, to
10 the second page.

11 MR. KOBRE: And if we can just enlarge points II and
12 III.

13 Q. This is part of the letter as well, is that right,

14 Mr. Camara?

15 A. Yes.

16 Q. It says, "I have just now been able to learn about the
17 document that was finally signed. Some of the provisions go
18 well beyond the mandate granted to our committee by the
19 council." When it says council, is that referring there to the
20 Council of Ministers?

21 A. Yes, this is the Council of Ministers.

22 Q. And when it refers to "the mandate granted to our
23 committee," is that the mandate of the Council of Ministers on
24 October 8, 2009?

25 A. Yes, October 2009.

H4p1thi6

Camara - Direct

1 Q. Okay. And --

2 A. On October 8, 2009.

3 Q. Thank you. And when it refers to "our committee," which
4 committee is it referring to?

5 You're free to refer, Mr. Camara, to the French version
6 that you have. When it says committee in point II of the first
7 paragraph.

8 A. Yes, it's referring to the steering committee.

9 Q. Okay. Is that the technical committee?

10 A. Yes, because it's the technical committee that did the
11 work.

12 Q. Okay. And then the second sentence there says, "These
13 concern the creation of an asset-holding public company in the
14 mining sector."

15 A. Yes.

16 Q. And is that the concern that you've talked about a number
17 of times earlier in your testimony?

18 A. Correct.

19 Q. And now we can skip the rest of that point. Why don't we
20 go to point III.

21 It says in your letter there, "Other provisions that are no
22 less important such as those relating to the total exclusivity
23 granted to the CDG and ADG for management and for granting all
24 contracts."

25 A. Yes.

H4p1thi6

Camara - Direct

1 Q. Is that referring to your concern about the granting of
2 exclusive rights to the Chinese companies that you described
3 earlier?

4 A. Yes.

5 MR. KOBRE: And Mr. Beer, if we can just now enlarge
6 the final paragraph of the letter.

7 A. Yes.

8 Q. What is that? Without my reading it, what is the final
9 paragraph there? What is the prime minister asking to take
10 place in light of these concerns?

11 A. The prime minister is asking to start again the
12 negotiations regarding the aforementioned points in order to
13 validate the results by the council before the final signature
14 of the shareholders agreement.

15 Q. Well, let's look at the date of this letter, if we can go
16 back to the prior page. What is the date on this letter?

17 A. November 4.

18 Q. So based on your review of Government Exhibit 408, had the
19 shareholder agreement already been signed at the time of this
20 letter?

21 A. Yes.

22 Q. So how could changes now be made to it if it had already
23 been signed? Can you explain that.

24 A. So when there is a procedure for the negotiation of
25 agreements, when an agreement doesn't completely fulfill the

H4p1thi6

Camara - Direct

1 requirement possible to all the parties, we can, even after the
2 agreement has been signed, we can modify this agreement.

3 Q. So if it doesn't conform with the law or the requirements,
4 it can be changed even after the signing?

5 A. Yes. Because there is safety principle in the law that say
6 that we cannot disturb by procedural convention the laws
7 applying to public conventions in a good -- the public order
8 and good behavior.

9 Q. If I can refer you just one more time to page 2, there are
10 a number of cc's on the bottom of page 2. Can you just tell us
11 what these letters stand for here.

12 A. The presidency of the republic, the minister of mines and
13 geology, the minister of economy and finance.

14 Q. Okay.

15 A. And wait. Ah, it is the minister of mines, geology, and
16 hydraulic energy.

17 Q. So this letter was copied to Mr. Thiam, the defendant?

18 A. In principle, yes.

19 Q. And to your knowledge, what happened after this letter was
20 sent? Were changes made in light of the concerns that you
21 reiterated numerous times?

22 A. No. To my knowledge, the dynamics of the negotiation of
23 the project stopped there.

24 Q. And the provisions regarding exclusivity and the National
25 Asset Company remained in the final agreement?

H4p1thi6

Camara - Direct

1 MR. GOLDSMITH: Objection.

2 THE COURT: Overruled.

3 A. Yes.

4 MR. KOBRE: No further questions, your Honor.

5 THE COURT: Thank you.

6 Ladies and gentlemen, we're going to break for the
7 day. I remind you, do not discuss the case, and I want to urge
8 you again to be on time tomorrow morning so we can start
9 promptly at 9:30.

10 And with that, I thank you. You are excused. You may
11 return to the jury room.

12 (Jury not present)

13 THE COURT: Mr. Kobre, is there anything else we need
14 to discuss?

15 MR. KOBRE: There is not, your Honor.

16 THE COURT: And Mr. Goldsmith.

17 MR. GOLDSMITH: No, your Honor.

18 THE COURT: Good. See you tomorrow morning, 9:00.

19 THE LAW CLERK: All rise.

20 (Adjourned to April 26, 2017, at 9:00 a.m.)

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